THE TRIAL OF MARY DUGAN

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WILLIAM ALMON WOLFF

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By

WILLIAM ALMON WOLFF

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BEHIND THE SCREEN

THE PATH OF GOLD

SOLD SOUTH

A Metro-Goldwyn-Mayer Picture. *The Trial of Mary Dugan.*

MARY AND HER BROTHER JIMMY, ACTING AS HER ATTORNEY, AWAIT THE VERDICT OF THE JURY.

THE TRIAL OF MARY DUGAN

From the Play by Bayard Veiller

BY

WILLIAM ALMON WOLFF

ILLUSTRATED WITH SCENES
FROM THE PHOTOPLAY
A METRO-GOLDWYN-MAYER PICTURE

GROSSET & DUNLAP
PUBLISHERS NEW YORK

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PRINTED IN THE UNITED STATES, AT THE
COUNTRY LIFE PRESS, GARDEN CITY, N. Y.

TO

MARGUERITE VEILLER

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THE TRIAL OF MARY DUGAN

I

BRANT'S HUNCH

I TOOK a running jump out of bed into the Rice story the day it broke. It was my day off, but a little thing like that never bothered Brant, the big boss. The way he saw it it was my story, and while I'd had plans for that particular day off, I wasn't sorry, even then, when I found out what was doing. And later, of course, I was so glad I'd got it that if I'd happened to be a Catholic I'd have gone around and lighted candles to some saint.

The story broke very late. The police didn't get on the job, the way I remember it, till after two o'clock, and none of the morning papers had anything but a couple of sticks on the first page. Most of them didn't make over for it; the *Times* did, and the *Herald-Tribune,* though. But, at that, I guess the copies of their last editions didn't get much farther than their own offices. It was distinctly, that first day, an evening paper story. What I'm getting at is that I didn't know a thing about it when Brant telephoned and woke me up.

And he wouldn't tell me anything, either. He had notions about that sort of thing. You'd never think, to see Brant, cocked up on his chair, balancing it on its two hind legs, with his collar and tie A.W.O.L. and his ridiculous cuff protectors—the man never wore anything but a boiled white shirt in his life, for some obscure reason—that he was a psychologist. But he was; if he hadn't been, of course, he couldn't have held down his job. You have to know a lot about people, and the way their minds work, to run a yellow newspaper, and there never was a yellower rag than the *Star* as Brant got it out.

I knew, as soon as my telephone started ringing, who it was—and, roughly, what it was, too. Just for one thing Brant was the only living soul who could have made Kit, down on the hotel switchboard, call me at all at that hour of my day off. So I was all ready with a yelp.

"Steve Barrow?" It was Brant's voice, of course. "Hell's popping. Murder. Edgar Rice killed. Girl he was keeping pinched. Known as Mona Tree. Real name's Mary Dugan. Your story."

"It's my day off—for the love of Mike, am I the only reporter you've got, boss?"

"You're the only one I've got for this story. God knows you're lousy, but you get a hunch now

and then and you've got guts enough to play it when you do. Anyway—get on the job."

"What's the dope?" I didn't argue; I knew it wasn't any use. And, besides, he'd got me. There was something in his voice. Some people can thrill you just with a tone you hear, sometimes, in their voices. It's like music. I don't know anything about music, but, a few times, when I happen to be listening to it, a sort of shiver runs up and down my back. And that was the way it was then.

"The dope's out. Go out and put up your nose and see what you smell. There's—there's something back. Go see if you feel it, too. Do as you please—but if I were you I wouldn't read the evening papers, even. Here's all you need to know. This Dugan girl calls the police about one thirty—two—somewhere about then—and says Edgar Rice has been murdered in her apartment. Hunt goes up himself, finds her moaning over the body. She says he was sick and she went out to a drug store and when she came back he was dead. Knife in his back—got him in the heart. Her knife. Her finger prints all over it.

"Hunt thought it was open and shut from the start. Tried to razz her. She said she didn't do it. Kept moaning something like 'Jimmy, oh, my poor Jimmy,' over and over. Last I heard Hunt and Galwey had her in the house in Fifty-first Street—

may have taken her downtown by now. That's all you need to know. Oh—yes—Rice was killed in the Dugan girl's apartment in the Park Gardens, and she was known there as Mrs. Tree—they called Rice Mr. Tree. O.K.?"

It had to be. I knew Brant and his queer hunches. And he'd gone farther this time than he usually did, at that. As a general thing he didn't even tell me he had one till I got it myself—or had had time, and hadn't got it. Usually, though, I did. I used to think that was black magic, or else that I was psychic. But it wasn't either. It was just some sort of thought transference. He could make me think anything he was thinking. But not over the 'phone, naturally. So he'd had to tell me. And, of course, his idea of having me keep my mind free from all the opinions that were already being expressed was good stuff.

It was a queer way to start work on a big story, though. I wanted to see this Mary Dugan the first minute I could, but when that would be was up to Galwey, the district attorney, and Hunt, the Inspector in charge of the Homicide Bureau. I knew what they were doing, of course, without asking—riding the Dugan girl to get a confession out of her. So I had to wait to see her. And when I say see her I mean just that—I didn't want to talk to her, particularly, especially as there wasn't one chance

in a thousand that I could, anyway. I just wanted to look at her.

The first thing I did after breakfast—and, believe me, it was hard not to have the evening papers propped up in front of me while I ate—was to walk around to the Park Gardens. It wasn't the obvious place to go; one reason I picked it was I knew the gang would have been and gone. And I didn't want to see the gang—not yet.

A couple of cops were keeping people moving along in front of the house. It runs along a whole Park Avenue block, as you probably know, and back pretty well—all the way, I guess—to Lexington, and there's a garden inside, with a fountain, and real grass. I couldn't help grinning at the way the tenants must feel—to say nothing of the agents. The murder was bad enough; the knowledge that they'd all been under the same roof with what I'd probably be calling a love nest in my story in the morning was a whole lot worse. Because it's easier to find the telephone numbers of most of the people who live in that house in the Social Register than in the telephone directory.

I met Zabriskie in the lobby, and got him to take me up to the flat. Zab's a good egg, and he's no dumber than most of the promoted pavement pounders the New York Police Department takes out of uniform and turns into detectives. And he

was just my meat, because he's a mysterious bird, and won't talk about any case he's on. Most of them would tip off any crook they were after to get their names in print, but not Zab.

The place looked normal enough. The body was gone, of course. The chalk marks that showed where it had been were still there, though, and some blood smears, and Zab said Hunt had found the body turned over and the knife lying on the floor near it. But I wasn't interested so much in all that. I knew you could trust Hunt on anything obvious, anything routine. Hunt is a real cop. It was something else I wanted to see.

"Mind if I look around?" I asked Zab.

"Not me," he said. "Nothing to see, though. We cleaned out the place—papers, letters, check books, all that."

Just the same I started to wander about. It was a nice place. The stuff in it was good. There was nothing showy or ornate about it. It was the sort of thing you might have seen behind almost any door in that apartment house. Not strikingly original; at a guess I'd have said the rooms had been furnished by a pretty good decorator. It wasn't a home, at all; I mean it didn't have the look, the feel, that a real home does have. But it was all right.

I found a bookcase, and went at that quite hope-

fully. But it didn't tell much. Again there was something lacking. Easy enough to see what, too. The books went with the period furniture. They were elements in a decorative scheme—specially bound, most of them, and the sort of stuff, mostly, I'd swear neither Edgar Rice nor Mary Dugan ever thought of reading. Thackeray, the Brontës, George Eliot—amusingly enough, George Meredith, too, by way, I suppose, of striking a modern note.

The magazine stand was better. *The Saturday Evening Post, Collier's, Liberty,* the *New Yorker;* three or four copies of the *Mercury.* Mary Dugan? I wondered. Probably, I thought. Rice, from all I knew of him, wouldn't have bothered with Mencken and Nathan and their lot. And then I dug up, in the bedroom—the bed hadn't been made, and was still rumpled, and one of the striking things was that there was a double bed, and not the inevitable pair of anachronistic period twin beds—a little pile of books that, quite plainly, actually had been read. Current novels, they were, and I wanted to see them. Booth Tarkington, Mary Roberts Rinehart, Sinclair Lewis's "Elmer Gantry," a book of short stories by Galsworthy, another by Richard Connell. And in them all Mary Dugan had written her name—her nom de—what would you say? Mona Tree, anyway.

"Quite a reader, I guess, the little lady," said Zab. "Read a good bit yourself, I suppose, Steve? A literary fellow like you?"

"Quite a bit," I said.

That selection of books meant something. I was sure of that. I always, in a strange house, manage to get a look at the books. What struck me here was the way the romanticism of Tarkington and Mrs. Rinehart was offset by the ironic bitterness of Lewis and his chuckling horror of life and the collected stories of the two satirists.

I still looked about, but that was all. There were a great many clothes; Zab offered the remark that the Dugan girl had had surprisingly little jewelry.

"Some ladies prefer bonds," he said. He thought well of that; so well that he repeated it.

"All right, Zab—thanks," I said. And we went out. A plain-clothes man was in the hall; they had to watch the place, of course.

I telephoned our Headquarters man, after I left Zabriskie, and found the Dugan girl was just about through being mugged—photographed for the Rogues' Gallery—and fingerprinted. If she'd made any sort of statement or confession to Galwey it hadn't been given out; the Headquarters bunch, our man said, didn't think she had. Nor had she, as yet, so far as they knew, engaged a lawyer.

I went down then to Mott Street and the Homicide Court. There was no telling when she'd be arraigned, but it would be soon, and they'd make it snappy; they always do. The usual Chinamen slipped about outside; the usual press of raging speeders and parkers, waiting to pay their fines in Traffic Court and get away, surged around; if there is anything in New York more like a bit out of "Alice in Wonderland" than that ramshackle firetrap in which you first come to grips with the law, whether you've killed some one or happened to be doing twenty-nine miles an hour when a motorcycle cop needed one more victim to complete his day's stint, I don't know it.

The Homicide Court was packed, of course. It was in recess; even New York, in spite of its nationwide reputation, can't keep it in session all the time. I deliberately stayed away from the rest of the reporters. The pack was out in full cry. I saw Jimmy Harper, and Barrett, and Cameron, and O'Neill; Brant had sent young Thurston up, too, I saw; he'd report to me later, of course. And the women were there, every last one of them. I like some newspaper women, as individuals, but I hate working with them. Probably I'm afraid of them. They have an abominable way of refusing to admit that there are some things you can't do, some people you can't expect to talk. The only times

I've ever been really badly beaten it's been by women.

Entirely by chance, after I'd been pushed and shoved around for ten minutes or so, I fetched up, more or less permanently, with my back to a pillar and with a man I knew, a lawyer, jamming his elbow into me. He was Edward West. I'd got to know him fairly well during the Sanford case—he'd defended Sanford, and got him off, too, in as brilliant a fight as I'd ever seen made, with Galwey himself against him.

"Hello, West," I said. "What brings you here? Busman's holiday?"

He smiled his rather slow, pleasant smile.

"No," he said. "Not exactly. Curiosity, I suppose. I know this girl—by sight. I—" He laughed, faintly. "I have the apartment next to hers. I suppose I must have been asleep within thirty feet of that killing."

"I didn't know that—though I might have," I said. "I remember—I was up there a little while ago, and I had a feeling of having been in that house before. It was to see you, of course. Who's her lawyer—do you know?"

"No," he said. "I don't know that she has one. That—well—I'm rather inclined to ask her if she wants me to take her case."

I stared. I'd stumbled on something, perhaps, by the sort of dumb luck that, when you get right down to it, accounts for most of a reporter's successes.

"You are?" I said.

He nodded. "I don't believe that girl ever stabbed a man in the back," he said. "And—well—I suppose it takes a lot of living in New York to root out one's beginnings. And I come from the country, where it meant something to be any one's neighbor."

I liked the way he said that. And I was going to say so, probably, but just then there was a stir behind the rail. The court officers came to life. An a moment later those who had seats were standing, the magistrate—it was old Carsten, I remember—came in, in a great rush, as he always did, and then they brought Mary Dugan in.

I knew her the minute I saw her. Neither of her names had meant a thing to me. But there was no mistaking that ashen, silver hair, the great blue eyes, the lovely, slender figure. I'd seen her, for one thing, again and again on the stage; Ziegfeld had used her in tableaux and ensembles; I'd met her, moreover, once or twice on parties; I'd even danced with her, tried to talk with her. And the hunch I'd been pursuing all day, the hunch

that had come to Brant out of the welter of bulletins and early afternoon papers and telephoned reports, was full grown in me in a second.

That girl hadn't killed Edgar Rice; she couldn't have. I didn't know, then, mind you, the strength of the case Hunt had made out against her; Brant hadn't wanted me to know that. He hadn't wanted any intellectual process of weighing evidence I'd already gone through to vitiate the purely emotional reaction he was so sure I would, sooner or later, have.

They made short work of it, of course. Mary Dugan stood there, swaying a little, exhausted, turning to look at us, crowding upon her, staring at her, turning back, then, as if for relief, to the mysterious, mumbling business they were making of her arraignment. Hunt made a short affidavit; Helmer, one of Galwey's junior assistants, said something; old Carsten cut them short. He made her plead not guilty; barked out his: "Held without bail action grand jury." It was over in five minutes, and West and I were being carried along in the rush of the crowd to get out.

II

THE BIGGEST FACT OF ALL

"WELL," I said to West. "How about it?" He nodded his head up and down, two or three times.

"God—yes!" he said. "I can't let that girl be thrown to the wolves!"

I got the same queer thrill out of hearing him say that that Brant had given me over the 'phone, hours earlier. Because this man West wasn't your emotional type of lawyer—any more, for that matter, than Galwey was. He was all brain with a jury. He'd fought Galwey on his own ground in the Sanford case. With a plea of justification wide open to him that nine lawyers in ten would have snatched at, sure that no jury, appealed to on the emotional side, would have sent his client to the chair, he'd never for one moment even allowed the possibility of a verdict in a lesser degree on the basis of extenuating circumstances to appear.

He had accepted Galwey's challenge; he'd done, indeed, a superbly bold and superlatively skillful thing. He'd watched Galwey demolish in advance the defense he expected; he'd listened, calmly,

quietly, while Galwey prepared the jury for a typical assault upon its emotions. And then he'd outdone Galwey himself in the coldness, the lack of feeling, with which he had conducted the defense. And he had destroyed Galwey's case by the sheer logic of his insistence of the reasonable doubt of Sanford's guilt.

Yet here he was, utterly, if his looks, his words, meant anything, a prey to his emotion about this girl. And it wasn't as if it didn't ring true. He was talking like a man accepting, willingly, cheerfully, an obligation imposed upon him by the irrefutable facts, the logic, of a situation—when neither facts nor logic could possibly have swayed him—yet. Here, for me, of course, was just another confirmation of the validity of Brant's hunch, which had, the minute I saw the girl, become mine as well.

We were still, as we talked, being carried along. Now West made a stand; drew me along with him; led the way to the detention quarters, where they would still have Mary Dugan for a few minutes.

"I'm going to see her," he said. "Want to wait? You might as well have a statement if I do defend her."

I waited very cheerfully. And now I didn't mind talking to the rest of the crowd. Young

Thurston nodded to me; said Brant had told him he was under my orders.

"Seems to be a simple case," he said.

They all thought so, I found. This hunch that Brant, and I, and Edward West, had got wasn't a general one. In fact we seemed to be alone in having it. Hunt, it appeared, was absolutely sure; so was Galwey. They hadn't, O'Neill said, really tried very hard to get a confession out of her; it hadn't struck them as necessary. What they'd done—and, of course, it hadn't lasted very long, what third-degree stuff there had been—had been pretty perfunctory. Seemingly there'd never been a doubt in Hunt's mind, or in Galwey's, about Mary Dugan's guilt. Knowing West and his methods, that cheered me up. Because, no matter how sure they were, no matter how conclusive their case seemed, they couldn't afford to leave West any loopholes.

Nothing I heard made any real difference to me. That girl hadn't killed and she hadn't lied. If the facts indicated that she had they either weren't facts or they weren't all the facts.

West came out, presently; the crowd had thinned out, by that time, and we walked away together, alone.

"It's pretty bad," he said. "They have an

appallingly strong case against her. But I'm going to defend her."

"You don't believe she killed him?"

"I know she didn't. Just as I knew—well, as I knew that Sanford had killed Perrune."

That made me jump. I'd always thought that myself. But I hadn't known that West was sure of it.

"You see—my motive in defending Sanford was a wholly different one," West went on. "Oddly enough, although I am a lawyer, I have a passion for justice. It is an idiosyncrasy shared by many lawyers—though I know the public does not believe that. And, like every lawyer, I have had to learn—and it was a hard lesson to learn—that the law is a fallible instrument in the administration of justice.

"Law is, it must be, an exact science. It is a science of precise and unalterable definitions. In the eyes of the law black must be black, white must be white, right must be right, wrong must be wrong. The law is impersonal. It cannot, except within precise and definite and rigidly prescribed limits, take motivation into account. Therein law and justice differ. For justice demands understanding and understanding does not begin until motivation is known."

I know that, as I set this down to be read, it

sounds stiff, and platitudinous, and rhetorical. But —it wasn't. I heard the man, you see. I've listened to a good many speeches in my time, and I hate orators almost in direct proportion to what most people would consider their merit. The more brilliant, the more amusing, the more emotionally appealing they are, the worse I hate them. Because, except in the rarest of cases, the very element of persuasiveness an orator has to take into account in choosing his every word vitiates what he says, robs it of honesty and—for me—of all force and significance. But West, making a speech, which was what he was doing, with me for an audience of one, had me hanging on every word he uttered.

"That was why I defended Sanford," West went on. "I knew he had killed Perrune. But I knew also that he had been driven to do so by forces with which he could not cope. And I knew, beyond that, that while a jury would not, if it knew the facts, convict him of murder in the first degree, it was certain to convict him in a lesser degree—either of murder or of manslaughter, and that it would do that for unsound reasons. I went over the whole case with Sanford before I definitely established the line of the defense.

"And he agreed with me that the thing to be done was to suppress the facts that would have

seemed, to any jury in the world, extenuating, and to gamble his life on the chance of securing exact justice—namely, an acquittal. I saw the flaw in Galwey's case from the start; I staked everything on that, and so did Sanford. And—we won."

"But," I said, "that isn't the situation here?"

He shook his head.

"No. Except superficially. I have to do precisely the same thing—so far as I can now see—that I did to save Sanford. That is, I have to break down the state's proof. I have to show at least doubt enough of this girl's guilt to prevent her conviction. I cannot now see, that is, any way of making a constructive defense. I cannot attempt to prove justification of any sort—not because, as in Sanford's case, neither the jury nor the law could have been expected to accept as justifying facts that seemed so to me and had certainly seemed so to Sanford, but because, very simply, I can't attempt to justify the girl's killing of a man she didn't kill.

"Equally, I see, at present, no way to go about an attempt to prove that some one else killed Rice. Some one else did, but the identity of that some one is profoundly mysterious. If, by some chance, we strike a lead to that killer, well and good. But that I cannot count upon. And so I must fall back upon the certain fact that if the theory of the

murder evolved by the police, a theory Galwey is practically certain to use as the basis of his case, is erroneous it can be proved to be so. That can be done. If Mary Dugan did not kill Edgar Rice the facts cannot be made to prove that she did. Galwey can't do that, Hunt can't do it—it is beyond the power of man to do it, convincingly, if I am watchful and diligent."

Well, that was good stuff if I'd ever heard any. It seemed to me as I listened to him, the sanest, soundest sort of common sense. I said so.

"And—how about a statement from you? You'd naturally say something on assuming the defense, wouldn't you?"

He nodded, and together we worked out a statement. It couldn't be along the lines of what he'd said to me, entirely, but, substantially, it was, too—he simply said he was undertaking Mary Dugan's defense in the complete conviction of her innocence, and that, as yet, not one scintilla of real evidence had been produced against her by the police. I promised to see that the other papers got this statement; it wouldn't do for us to have it as a beat; West couldn't afford to antagonize the rest of the crowd. I didn't want to myself, for that matter—though I had an idea I'd be lifted from the day-to-day story pretty soon.

Journalistically speaking it was still extremely

early when I got to the shop. Normally Brant would have been gone; he went home—or elsewhere—about five o'clock, ordinarily, and turned up again any time between nine and eleven, to stay five minutes or the rest of the night, according to how the news was breaking and the paper was shaping. But to-night he was waiting for me, and we went out to dinner at once.

I told him, first of all, in exact chronological sequence, what I had done and what my reactions had been to everything I had seen and heard. That included my hunch, of course—and West's. I was taking it for granted that Brant's hunch was the one I had got, but he said nothing either to confirm that notion of mine or upset it.

"Good!" he said, when I'd finished. "That's good work, Steve. You've done exactly what I wanted. Now—listen while I tell you the story as it stands."

Actually, he didn't have much more to tell than I could have—and later did—read in the evening papers. These, he said, were facts. Edgar Rice had been maintaining Mary Dugan, professionally known as Mona Tree, in an apartment in the Park Gardens. Early that morning Mary Dugan had told the police that Mr. Rice had been killed in her apartment. Inspector Hunt, following the first policeman who had gone in answer to the girl's

appeal, had found Rice, dead, lying on his back in the living-room. Near him had been a knife. It had been established that he had been killed by the thrust of a knife into his back, causing an incised wound that had penetrated the heart. Mary Dugan's finger prints had been found upon the knife—those of her right hand.

Mary Dugan herself had been sitting, on Hunt's arrival, looking at the body. Both Hunt and the policeman agreed that she had said repeatedly, in a tone indicating great agony of mind, "Oh, my poor Jimmy—my poor Jimmy." She had denied, with the utmost vehemence, that she was responsible for Rice's death.

"Those are the known, indisputable, facts," said Brant. "In addition there are some surmises. The police say that no one could have come in to the apartment house between the time Rice was seen to go in and the time the fact of the murder was known. They also say that they have evidence tending to establish, as a motive, the fact that Rice had discovered that the Dugan girl had been unfaithful to him and that he intended to break off his relations with her."

That was about the way I'd sized it up. You could have read from five to thirty columns of stuff in the evening papers, but it would have boiled down to Brant's statement.

"Yeh?" I said.

"Yeh!" said Brant. "And a fine story that makes, doesn't it!"

"If that's all—not so good."

"Good for the first page for three days—till the trial," he said. "If nothing big happens. Good Lord—a real story would crowd Mary Dugan off page one after to-morrow. She'd get back for her trial—and that'd be all. It's no Nan Patterson case—it's not, the way it stands, a great story—it's scarcely a good one. Not on the facts. But—"

He began to light up. That's the only way I can describe it. From way inside.

"Steve—this is a great story! It's as great as the Nan Patterson story—it's greater. It's as great a story as the killing of Dot King. Because—Steve—what's the greatest story there can be?"

"The story of a mysterious crime!"

"Right—by God! And this drips mystery. I knew it. I felt it. Hunt—feeling his way as if his eyes were blinded and he'd lost his sense of smell—just moving ahead, sticking his head out and turning aside every time it hits anything! That was my hunch. From the first bulletin.

"Steve—there isn't one crime in a thousand that's a real mystery. Often and often the police can't prove who killed a man—but the reason, the

motive, is obvious. Or they know who did the killing, but they don't know—and don't much care —why. We don't know who killed Edgar Rice. We don't know why he was killed. We don't know who does know—sometimes, even when neither agent nor motive is known, there is some knowledge of some one who does know. Here—there's nothing. The slate's clean. There's nothing written on it. We've nothing to start with, nothing to build upon. God, what a story—what a chance!"

He had me going, of course. But—well, after all, when all's said and done, Brant's Brant and I'm Steve Barrow. I wasn't quite so elated by that way of putting it and looking at it. I suppose, all the time, I'd been hoping, down in my heart, that Brant's hunch included some sort of clew. And I took my life in my hands and told him so. But he didn't even get mad. He probably didn't realize the extent of my cowardice—because that was what was the matter with me, of course.

"Clew?" he said. "Good God—you're talking like a detective story! Clew—what do you want with a clew? If there were a clew I wouldn't be interested. If there were a clew the mystery'd be solved by to-morrow—Cripe, the police might solve it, even! You talk like a man with a chance to fish a river that's never been fished before who com-

plains because there's no guide to tell him what pools to try!"

"All right—all right," I said. "I see your point. Engagement Extraordinary—Steve Barrow as Old Sleuth! But how about the first day story?"

"Well—what about it?"

"I've got to give the facts, haven't I?"

"God give me patience, Steve! What else? I've been trying for four years to teach you to get some facts into your stories, haven't I?"

"Well—what I mean is that if I do tell the facts I'm going to write a story like every other story in town—"

"If you do you're fired! Cripe, Steve—you've got a bean—use it!"

"Well—you reeled off the facts yourself—the facts everybody's got."

"Sure. But there's another fact, isn't there—that we've got all to ourselves?"

"If we have you haven't told it to me—"

"I didn't have to tell it to you. Any more than you had to tell it to me. Any more than you and West had to tell it to one another. It's the biggest fact of the lot—it's the only one that happens to be a truth as well as a fact. Mary Dugan didn't kill Edgar Rice. In other words—here's the big fact we'll play—the fact that gives us the biggest beat

in years to-morrow. The police have arrested Mary Dugan—and she's innocent!"

That was when, I guess, that flame that was leaping up in Brant reached out and touched me off.

"You mean you'll come out with that flat footed —you'll commit us to playing Mary Dugan as innocent with nothing but a hunch to go upon?"

"I will, you know!"

It scared me. I had visions of the kidding I'd get all over town next day. But that wasn't going to matter—not if Brant had made up his mind.

"Nothing but a hunch!" he said, scornfully. "We've got three hunches. Mine that came out of nothing—yours that came from digging around, West's that came from just having seen this girl. For the love of God, how much more do you want? Do you expect to wait for the man who killed Edgar Rice to come in to the shop and ask us for a hundred dollars for an exclusive confession? Get out of my sight—go on back to the shop and get to work. Hold your copy till I come."

III

THE OUTSIDE OF THE MAZE

SO it was that the next day the *Star* alone questioned the guilt of Mary Dugan. In the morning papers, on the whole, there was little except a reasonably simple statement of the facts. They were, as they were presented, convincing; I suppose very few people in New York doubted, that day, that Mary Dugan had killed Edgar Rice.

In the tabloids the sob sisters and the psychologists began to explain, to elucidate, to rationalize, as one of them put it, the mood in which a woman slays the man to whom she has been looking for support. I remember, out of the whole welter of that sort of stuff—which, in this case, bored and disgusted me even more than it usually does, because of my own wholly different feeling about the facts of the matter—just one short interview one of the tabloids managed to get with a famous Freudian analyst. They'd offered him his own terms to analyze Mary Dugan, as I recall it, and write the results for them, and in his rage he gave their emissary the basis of the best story that came

out of the actual fuss and furor of the first few days.

"Look here," he said. "You must see from what I've told you that your proposal is grotesque. And, on top of that, you want me, if I won't accept it, to write an impression of the mind of this girl. My good man—before I would have even a remote idea, in my own mind, of her I would have to know every act and every thought of her entire life. I might, by infinite patience on her part and mine, obtain that knowledge in six months—a year—two years. And you seriously expect me to base a statement upon the knowledge I can secure from what you and others like you have written! I might, conceivably, base some intelligent deduction as to you newspaper writers upon what you write —but as for your subject, every word serves simply to add a new veil to the mystery that surrounds every human spirit."

If you ask me that was the last word about all this psychological rot that is let loose, to the ruin of good pulp paper, in every murder case. In a sense, of course, the tabloids and the other yellows—except the *Star*—were doing just what we were; they were trying to bolster up a weak story. But they'd stopped one jump short of Brant, you see. He knew the story was weak, that, inherently, it lacked, as it stood, real, lasting, emotional inter-

est; that what strength it had it owed to surprise, shock. But, instead of trying to inject that sort of interest, he sent me out to find out new facts that would possess it.

I found West, on the second afternoon after the murder, a little bewildered by a three-hour interview with his client. He said she'd told him nothing; literally nothing.

"She sticks to her story of going out to the drug store," he said. "She insists it is true that she came back and found Rice dead—though she wasn't sure of that till after she'd drawn the knife from his back and turned him over. That is how she accounts for her finger prints on the handle of the knife and the blood on her nightgown and her body. She says the elevator was at the top of the house both when she went out and when she came back, and that she used the stairs. The police have a witness against her there—the elevator boy, James Madison. But what his evidence will be worth's hard telling.

"She absolutely refuses to tell me anything about 'Jimmy.' She does say he is not her lover —that she had no lover. She insists that Jimmy does not enter into the case in any way. She has no idea who did kill Rice. She says she has no reason to suspect any one."

"Not so good," I said. "Not from your point of view."

"I'm not so sure," West said, thoughtfully. "In a way, I'm better pleased. It's a temptation, in any murder case, to do more than you should. What is the defense in a murder trial, in the last analysis? Rather—what ought it to be? It should be, literally, a defense. Not an attempt to disprove a charge—merely an attempt to resist the state's effort to prove its charge.

"It's very easy to take the offensive—to seek to dispose of an accusation by showing that some one else is guilty. But the defendant does not have to prove that he is innocent. The state has to prove him guilty. Naturally, if it is possible, without a reasonable doubt, to prove your client's innocence, you will do it. But where there is some element of doubt—it's dangerous business. You make your attempt. If you succeed—well and good. But suppose you only partially succeed—or, at the worst, fail completely.

"You're far worse off than if you'd offered no defense at all. You have made the case depend, for the jury, at least as much on your success in accomplishing a positive task as on the district attorney's ability to prove his charge. If the truth were known, many a man has gone to the chair or the gallows not because the prosecutor convinced

the jury he was guilty but because his own attorney tried and failed to prove him innocent."

"That's the policy of laissez faire, I should say," I said.

"I admit it," said West. "It saved Sanford. It can save Mary Dugan."

"Perhaps. I'm not so sure. And—it does me no good. It's my job to back up the line we took this morning. The logical goal before me is the discovery of the man—or the woman!—who really killed Rice."

I caught my own amendment of that last sentence.

"The woman—" I said again. "West—there's the line of attack! There's a woman in this!"

"The striking originality of you journalists always intrigues me," said West. "You'll find a woman mixed up in most crimes if you look deep enough and long enough."

"Oh, I know! But—just the same—"

"And, in any case—after all, this time, you haven't far to look. Mary Dugan is a woman—a beautiful woman. A loose woman. The archtype of the woman you find at the heart of every crime."

"I don't agree to that at all," I said. "She's precisely the sort of woman you don't find—in the sense that I have in mind. Mary Dugan is a courtesan. And it's only in romantic fiction that

thrones are lost and wars are fought for the love of a woman whose love is for sale."

"The record of the infatuation of men—especially men of Rice's type—for women like Mary Dugan is singularly complete," said West.

"Yes—and Stokes shot Jim Fisk because of Josie Mansfield," I said. "I can fill out the list, before and after, as well as you can. But—that shooting wasn't because of Josie Mansfield. It was because the two men were enemies and her possession had become a symbol of victory. That killing could have come as easily over a race horse one man had claimed from the other in a selling race as over poor Josie Mansfield. However—in any case, if you're right, it's easy to find out—it ought to be. Conceivably some man was jealous of Rice's possession of Mary Dugan. It's a lead—I'll start with it."

He smiled, tolerantly.

"I can't stop you, Barrow," he said. "After all, you've got your job, and I've got mine. I'll be glad to hear about anything you may discover."

"You shall," I said. Then I got another idea. "By the way," I said, "how about Rice's wife? Do you know anything about her?"

"Only that I fear her evidence, if Galwey puts her on the stand, more than all the rest of his case put together," said West. "Lay off her, Barrow!

That is—if you want to help Mary Dugan. She's the sympathetic figure, the pitiful one, in the whole case."

"Ye-es," I said. "I see what you mean. On the other hand, speaking for myself, and without knowing a solitary thing about her, I can imagine quite a different way of regarding her. Lord—I've seen so many poor devils like Rice, clutching at a bit of peace and happiness and comfort. They make money. They get to be big men. And all at once they wake up to the fact that their lives are empty.

"They have wives who give them nothing. They turn to a Mary Dugan. At the best they still have nothing—at the worst they're likely to be exploited for the support of some gigolo, maybe to be blackmailed for the rest of their lives. Oh, it's their own fault, I grant you. They're asking for trouble, and they've no one but themselves to thank, in a sense. But—well—I think there's a special sort of hell for the smug, sleek wives so many men like that have hanging round their necks."

West shrugged his shoulders.

"Quite," he said. "But—again, I do not propose to jeopardize my client's defense by reckless and unnecessary sorties. My dear boy, we're in the position of a beleaguered garrison. We need all our strength to resist the attacking army. We

have what advantage the defending side always has. I shall not throw it away by taking the offensive. From my point of view, Mrs. Rice represents a high explosive, dangerously near the fire. When I think of her at all it's only to hope that Galwey won't put her on the stand."

Well, that was that. I hadn't, as you can see, got much out of West. I saw his point, right enough, and, as he was situated, it was well taken. I'm not, myself, the waiting sort; I want to make the running. I used to do a little boxing, when I was in college, and I had, as a matter of fact, good reason to know how sound, as a general thing, West's plan of defense was. I can still remember the way Pete Marshall put me out with a left to the chin as I bored in to get him the only time I ever got as far as the semi-finals of a tournament—and the particular kind of hell I got from the coach after I'd stopped counting stars and trying to figure out the tune the little birds were singing. Because I probably could have beaten Pete if I'd let him come to me. But that's as it may be. The fact remains that every time Dempsey fights Tunney I'm all for Dempsey. So, I may say, is Brant—not that Brant would admit he gave a plugged nickel for either man in any prize fight.

So I left West prepared to go to work on my own account. I still considered Mrs. Rice to be a per-

son worth looking into. But, for the moment, I passed her up.

As the problem began to take form—it was only just now beginning to do that, you see—I had to tabulate what I knew and what I wanted to know. What I knew came to nothing—yet. Some of it might be worth something later, or it might not.

I wanted a motive, first of all. So I began to guess at the motives that might have led to Rice's being killed. Greed, hate, fear—and hate and fear are practically identical—and jealousy. Those are the basic motives for murder.

I took jealousy first. A woman might have been jealous of Rice's infatuation—if it was infatuation—for Mary Dugan. Mrs. Rice, obviously, might have been, or be, that woman. But so, equally, might have been some other mistress. There I had two leads to follow. Or a man might have been jealous of Rice's possession of Mary Dugan. That man might have been "Jimmy" or some other. I had to go over Mary Dugan's life, so far as I could, and discover all I could about her relations with other men. The police, of course, would be doing that, too. It was, I rather fancied, about all they would do.

In practice, reasonably enough, the police investigation of a crime isn't at all like the procedure

followed in most mystery or detective stories. I have followed a great many such investigations, and they are all alike. The police want just one thing. They want to secure a conviction. They never work from the general to the particular. They don't conduct a sweeping examination of all the facts, all the theories, all the possibilities, close and remote, and then, by a process of elimination and selection, come, logically, to the truth.

One reason they don't is that long experience has taught them that it is unnecessary, since just about ninety-nine crimes in a hundred can, as a matter of fact, be solved by the application of a formula. They know that when, in a murder, they find certain elements the odds are incredibly great that they will, as they go along, discover associated with them certain other elements. In other words they know the pattern and they learn to take short cuts. You're very slow and deliberate in your movements when you first drive a car, you take various steps consciously and with extreme care. But about all you do, when you step into a strange car after you've driven for a few years, is to find out, either by asking or by experiment, whether it has the standard gear shift or some other. Then you drive off.

I knew how Hunt was feeling about this case. It was all over, as he saw it. If, by some freak of

chance, he turned out to be wrong about Mary Dugan's guilt, then "Jimmy" was the murderer. He didn't think so, but there was just a bare chance of it. But it was one or the other of those two. So neither Hunt nor any other policeman was at all likely to pursue any of the other roads of investigation that opened before me.

That, naturally, influenced me when it came to choosing a starting point. I had plenty to do, and I was glad to be able, for the time being, to eliminate part of my work. So long as the police were hunting for "Jimmy" I needn't. If they fell down, if they didn't find him, then I'd have to try. Just so, this wasn't the time to go after Mrs. Rice. Every one around her was on guard and watchful.

So I set out to find out all I could about Edgar Rice. If this wasn't the time to find most of the men he'd known talking about him I didn't know my own sex. Moreover, there was this to remember, too. Whatever the motive for killing him had been Edgar Rice had, in one way or another, either by what he had done or what he had been or what he had possessed, supplied it. What he had possessed, money and Mary Dugan, would have supplied a murderer with a motive; probably had. So I reasoned.

IV

EDGAR RICE

WHAT I found out about Edgar Rice I pieced together from scraps of information I got here and there, a little at a time, from every imaginable source. I'm not going through the whole process I followed, because it would only be confusing. I'm going to set it all down, as if I'd learned it all at once, in the form it finally took. I'm going farther; I'm going to put it down as if it had come to me from a long friendship of mine with the man in the course of which I'd come really to know him—because, that, in the end, I did. You see, before I was done, the poor chap fascinated me; he was so different from what I'd expected to find out he was.

Edgar Rice was born in New York. His family was running out when he came along, in the seventies; it lost its money, probably, in one of the panics of those days. He never went to college, at any rate, but then, in those days, college wasn't as nearly universal a thing as it has since become.

He had, though, a background of culture. He belonged, very definitely, to that group of old New

York families that, to this day, holds on to a certain position; the group you associate instinctively with place names like Murray Hill, and Gramercy Park, and Washington Square. As a child he must have played with little girls who were to grow up to marry titled foreigners and small boys who were the heirs apparent to thrones in counting houses and private banks.

I imagine that a sense of poverty bit into him and gave his mind and his life a sharp twist when he was very young. He went to work before he was seventeen, and from the first he was frugal about money, and saving, to a degree quite alien to a boy. He didn't have any responsibilities, as a boy; his mother had a tiny income after his father died, from the life insurance. It was from choice, not from necessity, that he clung to his money as he made it, that he wore his clothes until they were shabby, that he never rode in a stage or on a cable car if he could possibly reach his destination by walking.

He didn't gain any strikingly early and spectacular success. He had half a dozen jobs before he was twenty; then he settled down in a stock exchange house and most people who knew him must have thought that he would never emerge from the relative obscurity of what was, practically, clerical work.

He fell in love, apparently, as a young man, with a girl he probably never had a Chinaman's chance of marrying. Just as well that he didn't, for that matter. He was engaged to her; she jilted him for a richer young man, divorced him, in due time, for one still richer, and I'd written the story of her third marriage myself quite recently—a third marriage that followed a face-lifting operation and united her to a boy twenty years younger than herself.

Not much, after that, about any emotional side of Edgar Rice's life. But much, very much, about a change in his fortunes. Somehow he snatched his chance in that great maelstrom of financial turbulence that followed the Spanish war. He was one of the few, the very few, who really made money in that most freakish of freak financial episodes, the Northern Pacific corner and panic. He used the money to buy control of a small steel company that happened, later, to be occupying a strategic position when United States Steel was organized, and that made him a rich man.

There was a period, a brief one, when it was in the cards for Edgar Rice to go on and become one of the very great men of his time, and one of the very rich ones. But he let it pass. He had the single feverish burst of energy; then he stopped short. I think myself that he never had great

ambitions. I think he was driven, that he was compelled, to go as far as he did go, by two impelling circumstances. The years before his broken romance saw him actuated by an actual, deadly fear of poverty; after that he wanted to prove to the girl who had jilted him the folly of her course. And it is significant that his major activities in Wall Street came to an end at about the time that she was divorced from the man who had taken her away from him.

He had continued, of course, to take an active part in business. But, after that, he devoted himself largely to the conservation of the fortune he had already made. That is, of course, no small task in itself. Edgar Rice, at a guess, was worth five or six million dollars when he died, and most of it was real wealth, not the book value of some going business. He had occupied himself for many years in the investment of his money. Busy, continuously occupied, he had always been, for his investments had been made, in general, not in standard securities, but in enterprises of various sorts that had to be chosen with extreme care. He had been a richer man, so far as income went, than the size of his estate would have indicated.

His marriage had taken place after the pattern of his life had become definitely established. He

had married a woman a good deal younger than himself, and they had had, almost at once, a child, a daughter, who was still, however, after a marriage that had lasted for fourteen years until it had been broken by Rice's death, its only issue.

Now, the thing that surprised me was that I could not come upon so much as a hint of any rift in the marriage of Edgar and Gertrude Rice before, almost openly, he began his liaison with Mary Dugan. That lasted the greater part of a year.

To my own mind here was a mystery, here, indeed, were two mysteries, within the mystery I had set out to resolve.

What had moved a man like Rice suddenly, after thirteen years of a seemingly happy and contented marriage, to set out so suddenly upon an adventure like his affair with Mary Dugan?

He had never been a figure in the night life of the town. Broadway was buzzing with his name now; I had gone up and down its length, and east and west and west and east in the roads that span it, and everywhere the story was the same. In every one of the better night clubs they knew Edgar Rice. Many had known, all the time, when he was going about with Mary Dugan, or Mona Tree, as, along Broadway, she was known, his real name, his position, every important and significant

thing about him. But—that knowledge did not go back of his first appearances with Mary Dugan about a year before his death.

She had had, so far as Broadway knew, no predecessors. Of her former lovers it was easy enough to hear. There had not been so many. Four, as Broadway counted them. Four men who had, in the simple phrase, kept her. If she had had other lovers, lovers to whom she gave, from whom she did not take, Broadway neither knew nor cared. It liked Mary Dugan, on the whole, what it knew of her. Broadway was inclined to think she hadn't cheated. About Rice, before his murder had made it think of him, Broadway, so far as I could gather, had known and cared very little. It put him down as a good spender; heavy sugar. Specifically, Mona Tree's heavy sugar.

Heavy the sugar certainly had been. Broadway knew all about that. He had been lavish and more than lavish. Mary Dugan had had her apartment. She had had a Rolls-Royce car. A girl told me that, Dagmar Lorne—I talked to her before Galwey's men ran her down. Dagmar Lorne, of the Follies—as lovely a creature as I ever hope to see. She was amused at my surprise about the Rolls.

"Gracious!" she said. "You don't expect a girl to go to hell in a wheelbarrow, do you?"

She had had money, too, money of her own. A

thousand dollars a week. Certainly, when he had finally decided to step out, Rice had done it *en prince*. Dagmar Lorne had liked him pretty well.

"How would you describe him?" I asked her.

"Oh, well—he was distinctly a dim bulb," she said.

"But he must have been pretty nice to Mona—Mary Dugan?"

"Oh, nice! But dumb. If you get what I mean. He spent a lot of money, but he told the same story, over and over again. I mean, he was a good entertainer but not what you could call entertaining."

"You think he bored her, then?"

"Oh, my God, yes!"

"Did they quarrel?"

"Quarrel? Listen—we don't quarrel with our heavy sugar! I know we're supposed to be dumb, but we don't start fights with a thousand dollars a week."

"You know she got that much? That's not just a guess?"

"I saw the checks. Thank God poor Mona's got some money now—she's going to need it."

That had a double interest for me. It might throw a light on Rice—as a general thing a man of his type—though I was beginning to wonder if he was in the least typical, as a matter of fact—

rather resents it when a girl saves the monev he gives her.

"She saved money, did she?"

"Oh, my God, yes! Mona was tight, if you know what I mean. She was always thinking about a rainy day. What I say—if you think it's going to rain it always does. But, anyway, Mona loved the idea of having money of her own. She was always afraid he'd find out how little she really needed to spend, though."

"And did he?"

"Yes—but—wouldn't it slay you? He loved it! He used to advise her about investments, after that, and show her how she could buy bonds that just happened to be cheap. He was always trying to make me save money, too. He was sort of sweet, you know."

I asked Dagmar the same question I'd already asked a dozen times.

"Tell me—was Rice in love with Mona—with Mary Dugan?"

"How should I know?" she said. "How can you ever know about a man, anyway?"

"But you say they got along all right—they didn't row at all, did they?"

"Of course not. Mona wasn't the sort who goes in for rows, anyway, and Mr. Rice was really very gentle and quiet. No. Mona was sweet to him.

She was always polite, and she always laughed at his stories, no matter how often she'd heard them and she was always worrying about his health, and trying to make him take better care of himself."

"And he liked that, did he?"

"Liked it? He ate it up! Every man does."

Dagmar Lorne gave me a good deal, really, in the various talks we had. About Rice, and, of course, about Mary Dugan. The thing that really emerged from all she said about Rice was that he wasn't the ordinary rich man who keeps a girl like Mary Dugan. He'd wanted something from her, and, probably, he'd got it. He wanted the thing all men want. His tragedy was that he had to pay for it—pay for it, that is, in a fashion that allowed of bookkeeping. Every one has to pay for it, just as every one has to pay for everything, in some tender. And I suppose the real tragedy was not that he had to pay Mary Dugan for this thing he wanted, but that, in all his life, he'd never had the coin, the wealth, a man really wants to give for it and a woman really wants to get.

Do I make this clear? I want to, because, in the end, the sort of man Rice was was to prove the determining, the controlling, factor in the tragedy. I give myself credit for knowing that it would, too, from the very first. Brant led me toward my first hunch, yes. But I worked it out for myself that

in this deep, this profound, this seemingly not to be elucidated mystery, the first bit of true enlightenment was going to come from Rice himself. He had been killed either because of something he was or had, or because of something he was not or did not have.

That's why I was able, in the beginning of my particular job, to be so coldly indifferent to Mary Dugan, in the Tombs. I wasn't indifferent to her at all, even then, and I was going to be, and guessed it, very much less indifferent to her later on. When you come down to basic things, the reason I had been able to make good for Brant, the reason I had felt as I did when I saw Mary Dugan, with her white-gold hair and her blue eyes, facing the law in the old court room down on Mott Street, was that something in me took fire at the touch of her across the room.

That thing can happen to all of us many times. It leads to friendship, it leads to love, it points to understanding. It made me know, in that moment, that Mary Dugan had not killed Edgar Rice. It might, just as well, if it had happened to be true, have made me know that she had, and that she had been right to kill him. And what it did, too, was to make me know that, no matter what came, I would never be indifferent to Mary Dugan. I'd known the same thing those other times I had seen

A Metro-Goldwyn-Mayer Picture. *The Trial of Mary Dugan.*

"SHE IS THE GIRL WHO ENCOURAGED THIS MAN IN HIS SIN—AND BROUGHT HIM TO A SHAMEFUL DEATH."

her. It had made me—well, it had made me do what it is we do when we say that we like another human being at sight. No one knows what it is, really. It's a force, it's as definitely a force as electricity, as definitely an actual thing as the vibrations that make sound and light.

So I wasn't, through all my early groping and scrambling, pursuing an intellectual process as simply as this telling of what I did may make you think I was, and as, for that matter, I probably thought I was myself. Not at all. There were times when I had a feeling of a frightful, dire urgency, when it seemed to me that I was the only thing in the world between that girl in her cell in the Tombs and the horror of extinction, the oppression of a monstrous and tyrannical injustice. Because I didn't, I couldn't, trust West.

I don't mean that I didn't trust him in the ordinary sense. I believed he'd do the best he could for her. I believed he'd make every effort he could to save her. What I didn't and couldn't believe in was the validity of his conviction that the plan of defense he had adopted was the right one, the only one. He could convince me it was when I was listening to him, when he was marshaling facts as they came out of that cold, hard, splendid mechanism he had for a brain. But when I got away from him it was different.

I knew, you see, that it wasn't just his brain that had been at work in Mary Dugan's case. I'd been with him in that moment when his reaction to the sight of her had been as purely emotional as my own. So I knew that there had been a time, however short, when his defense of her had been emotional and not intellectual. This was a second phase he was in now, the product of second thoughts. And I believe in the validity of first thoughts, first impulses—when you can be sure that they are really first.

Let me come back to Rice. I felt that I was aware, now, of a thing tragically lacking in the man. It's not quite what I mean to say that he couldn't love a woman. He could do that. I had an idea that he had, in his own way, loved Mary Dugan. She hadn't loved him, of course; another mystery for me, that I was going to have to clear up, was what it was in her that made it possible for her to live with men she didn't love and take their money. It was no mystery so far as Dagmar Lorne went, and, of course, it might not, if I got to know Mary Dugan, prove to be mysterious in her. But so far as my present knowledge of her went it was as mysterious as any other element in the case, though I didn't think its elucidation, if it came, was going to lead me one step toward the discovery of Rice's murderer.

No. Rice could love a woman. But he couldn't make her love him. All the evidence was that he had, in the beginning, at any rate, loved his wife. And he had loved the girl who had jilted him. I was certain that he had turned to Mary Dugan for something he hadn't found, or had ceased to find, in his wife; I had any amount of evidence of that. I talked, you see, to men who had really known him well, and liked him, and, even more profitably, I talked with his secretary. She knew him, I think, as no one else did, and while she hadn't actually known about Mary Dugan she hadn't been, she told me, in the least surprised.

Looking at him that way, h's sudden plunge into the unprecedented—for him—adventure with Mary Dugan wasn't surprising at all. It represented a surrender, after many years, to something his whole life had tried to teach him, but that he had refused to believe, to a confession. It couldn't have been easy for him to admit, with his pride, for he had been, I found, an arrogant, stiff man, that he must pay for what other men, as he supposed, had as a free gift. But, once he had made the confession to himself, there were no half measures for him. A Rolls-Royce, a luxurious apartment, jewels, furs, a lavish money allowance —he hadn't even hesitated about such things.

He needn't have given her so much, needn't

have given her half what he did. Dagmar Lorne had made that plain; I knew it myself, for that matter. He could have had Mary Dugan for much less. She wasn't of the great line of the courtesans. Nor had his motive been a desire for display, as it often is with men who lavish gifts and money upon their mistresses. He had really, most of the time, given her what she wanted. He hadn't hung her with jewels, so that men might be impressed by his potency. No. Once he had seen that he must pay he had determined to pay so greatly, so liberally, that he would be sure to get what he wanted to buy.

V

THE PATTERN OF A CRIME

I WASN'T, all this time, you will understand, still covering the Dugan-Rice murder story. I wasn't, that is, writing the report from day to day. I wrote, as a matter of fact, only the first day story; the one that appeared the morning after Mary Dugan's arrest. After that Brant took me off the job and let first one man, and then another, handle it. As a story, of course, it petered out very quickly; once Mary Dugan had been indicted and the first excitement had died out there was nothing to keep it alive.

Brant left me severely alone, too, for a long time. He was always willing to do that. He gave you something to do; within limits how you did it was your own affair. Moreover, he never held you to account for things that went wrong when you'd done something deliberately, knowing what you were doing. What he couldn't stand was stupidity; he expected reporters to make mistakes, and he encouraged them to keep on trying for the apparently unattainable by overlooking their fre-

quent failure to get an ordinary story in the effort to get an extraordinary one.

I didn't really see him, except casually, when I dropped in to the shop to get my mail or something like that, for a week. Then, one night, he called me over and I sat down and told him what I'd been doing.

"Yeah," he said. He wasn't impressed; in fact he was disgusted. "Psychological stuff. I see. Might come in handy. Sometime. But you're working on a newspaper, not in a mental clinic."

"I know," I said. "But how else would you start? This is a mystery—but it's not like the mystery in any case I've every run against."

"Oh, I guess it is," said Brant. "I guess when we know all about it we'll find it's like a lot of others. The police are dumb, but they know something, at that. And one of the things they know is that unless a madman committed it every crime falls into one of a very few patterns."

"Maybe a madman killed Edgar Rice," I said.

"No—I don't think so." Brant shook his head. "A madman never covers his tracks the way they're covered here. No. This is no freak."

"Well—if it isn't, then I'm all the more sure I'm going ahead the right way," I said.

"Your theory's all right—granting the kind of mind you've got, Steve," said Brant, tolerantly.

"You've got to do just so much running round in circles every time before you put your nose to the ground and follow a scent. Would you mind enlightening a senile old executive editor with one foot in the grave as to just why you haven't been out after this Jimmy person?"

Well, as you know, I had a perfectly good reason. I hadn't wanted, just at first, to cross the police trail. But it didn't sound so good, even before I told it to Brant, and he just abolished it by the way he looked at me.

"Yeah," he said. "I see. Well, that doesn't go any more. The police are through. They're all washed up. They're perfectly satisfied with their case, and so's Galwey. He's going to bring her to trial in about two weeks—he's juggled things to manage that. How does that hit you? You'd know it, by the way, if you'd read to-night's papers."

Well, that was true; I hadn't looked at the evening papers yet. And it gave me a nasty jolt. That was one of the times I got that feeling, that clutched at my heart, of being the only friend Mary Dugan had in the world—at least, the only one who stood between her and what Galwey, and the police, and the people of the State of New York, in effect, were trying to do to her. And the sudden imminence of the thing was shocking, ap-

palling. I'd been taking it for granted that time was the one thing we did have, we who didn't believe she had killed Rice. I'd supposed there was almost no chance of a trial before summer, though I don't know why. A district attorney can always get a case into court if he wants to, if he sees a chance to benefit himself by doing so. And Galwey, as every one knew, had his eye on the governorship.

"Come back to earth, Steve," said Brant. "I believe in you. I think you're going to bring this thing off. I think you're the only man I know who could."

"Why?" I said. "Why do you think that, boss?"

"Don't know," he said. "Don't think it, probably. Feel it, more likely. You're emotionally mixed up in it. That's one thing. You want to get it clear. You don't just want to make good on a job. You want to get at the truth. And a man can do what he wants, if he wants to do it badly enough."

He sighed.

"I never did," he said. "That was my trouble. I wanted to write plays. And look at the damn thing now!

"Come on!" he said. "Snap out of it, Steve! Get down to cases. Do your theorizing after you've got some facts to chew on. That's the time

for that. And look some more at some of the facts we've got already—some of the facts Galwey's building his case upon. Take the fact of the knife and the fingerprints. That sounds bad—it sounds damning. Hunt around for some explanation of it that isn't. See what I mean?"

I did. And I started on Jimmy's trail that night.

I say I started on Jimmy's trail. It meant that I started back along the road of Mary Dugan's life, along the life of that lovely creature who had called herself Mona Tree. Somewhere on that road was the figure of this Jimmy, and it was for me to find out where.

You might think that what I did now was much like what I had done in the case of Edgar Rice. I thought it would be myself, when I started. But it wasn't, at all. Edgar Rice had revealed much about himself, throughout his life. All sorts of people knew vital, relevant, things about him. No one of them, I suppose, knew as much as I knew when I had talked to them all. But, among them, they knew what I had needed to know, what I still expected to prove significant and indispensable to my object.

But if there were people who knew as much of Mary Dugan I couldn't find them. She held the key to the secret of herself.

I knew a good many facts already; I had come

upon them while I was studying Rice. I knew the number and the names of her former more or less official lovers. To one of them I talked. It was an extraordinary experience.

The man, when I went to him, was fairly livid with fear. He had lived in terror, he told me, of being dragged into the case. He was married, he had children, he was the responsible head of a great business, with obligations to many people.

"If this comes out it'll ruin me," he said, again and again. "If this comes out it's the end—I'm done."

I made him believe, finally, that it wasn't coming out through me. Nor, probably, if it had been kept quiet as long as it had, at all.

"So many people know!" he said. "My God—I was such a fool! People along Broadway—waiters—women—Heavens knows who! The riff-raff of the town—and I'm at their mercy! They can ruin me—blackmail me—"

"They probably won't," I said. "Broadway knows so many stories like yours that one more or less doesn't matter much. And Broadway lives on the sort of thing you're afraid may come out. Let one or two men be ruined by blackmailers or exposed and there'll be no more spenders in the night clubs. Broadway hates a squealer because Broadway knows that squealers would destroy it. I

don't believe you've anything to fear or worry about."

But, even when he grew calmer, he couldn't tell me anything about Mary Dugan. Anything, at least, that I didn't know already.

"I don't believe she did it," he said. "Their theory's absurd. Mona didn't cheat, for one thing. I know because I—I had her watched. That's why we broke off. She found it out, and she was through with me. She wasn't angry. She just said we couldn't go on. She made me feel pretty cheap. I thought all girls like that would cheat, and I wanted to know."

I tried to find out things from him. But he didn't know them.

"I never got to know her very well," he said, without the slightest idea of the way absurdity and pathos and something close to tragedy were mingled in the statement. "I don't believe any one does. Mona was nice, and sweet, and cheerful. But I always felt—I don't know—I always felt as if I could get just so far with her, if you know what I mean."

And that was all. He'd never heard her mention any one called Jimmy. No one had. Dagmar Lorne hadn't even a guess as to who Jimmy might be. Neither had Fern Arthur, who, like Dagmar, had been with her in the Follies for years, or little

May Harris, who was in the Scandals. May was sure he was her lover, though, and she did tell me one thing that I could see was important. She'd told it to Galwey, too, worse luck, and was under subpena as a witness for the trial, which was keeping her from a trip to Europe after her show closed.

I'd asked her if she'd ever seen anything like a quarrel between Rice and Mary Dugan, and she said she had. She said she'd had dinner there one night—in Mary Dugan's apartment, that was—and that during the meal the butler had come in with a special delivery letter that had just arrived. He'd been about to hand it to Mary when Rice reached out and took it.

"And he looked funny when he saw the envelope," May went on. "All mad and crinkly. The way it always scares me to have a man look, because I know he's going to raise the devil about something."

May Harris, by the way, was a little bit of a thing. She talked with a lisp that I'm not going to irritate you by trying to indicate, and when you first saw her you thought you had found the lowest possible manifestation of the human mind. But after a while you saw that you were wrong. She had a mind like a steel trap. She was shrewd, she was cunning, she weighed everything she said,

everything she heard, everything she did, in its relation to her own interests and her own wishes.

"Mona was furious," she went on. "She got very white, and she jumped up from the table, and ran around to where Mr. Rice was sitting. She said: 'That's my letter!' Oh, she was wild! 'Give it to me!' she said."

"What did Rice do?"

"He was mad, too. He said the letter was from a man and he was going to read it. And she said: 'You shan't! You shan't! It's my letter! I won't let you!' And, of course, that made him crazier than ever, because what was the matter with him was he was jealous. He said: 'You're my woman and I won't have you getting letters from other men.' And then he started to open the letter."

"Could you see whether it was a man's writing?"

"No," May said, regretfully. "I tried, but I couldn't. I couldn't see whether there was anything to show where it came from either—like a hotel envelope, you know, or something like that."

"That's too bad," I said. "But what happened then? Did Rice read it?"

"I'll say he didn't! Mona wouldn't let him. Why—do you know what she did? She picked up a carving knife from the table and she ran at him, and she said: 'If you open that letter I'll kill you!' She did—honest she did."

"And he gave up, then?"

"I'll tell the world he did! She meant it. She'd have killed him sure—she meant it. I guess it was the first time he ever saw what a temper she had."

"What did he do?"

"He looked at her a second—then he threw the letter down on the table and walked out."

"You say it was the first time Rice ever saw what a temper Mary had—Mona, if that's what you call her. But you knew she had, did you?"

"Oh, yes! I was always scared of Mona. We all were, all we girls. We never dared joke with her and kid her about men, the way the rest of us were always doing with one another."

"When did this happen—do you remember?" I asked her.

"Of course I do. You see, Mona was giving a dinner party for me—we had champagne because it was my birthday. So it was April ninth."

That was all from May. Enough, too. Not so good. And she'd told it all to Galwey. The more I thought of it the less I liked it. A fine result this was of my trying to follow Brant's ideas! The first thing I turned up was the worst piece of evidence, really, that had come out yet about Mary Dugan.

Rice had been killed with a knife. And a knife isn't, as a rule, a woman's weapon. A dagger—yes. But not a knife. Women don't like the idea of the

rending, the tearing of flesh, that a wound with a knife implies. They don't like spurting blood. Brant and West and I had all said, at various times, that the use of a knife was a factor in believing Mary Dugan wasn't the killer. Yet here was evidence that, within two weeks of the murder, she had actually threatened to kill Rice, with a knife, and had been earnest enough in her threat to get her way.

VI

I HEAR OF JUAN PEREZ

FOR me the result of that talk with May Harris was pretty discouraging. It didn't, of course, make me believe that Mary Dugan had killed Rice, but it did force me to see another reason why other people should think so. But that wasn't at all the way it affected Brant when I told him about it. He got very much excited, as a matter of fact.

"Now you're talking!" he said. "Tell me something about this girl. Make me see her."

"Good Lord—you know a hundred May Harrises!" I said. "She's the commonest type in the world—a little totsy—"

He shook his head.

"Go ahead—tell me about her," he said.

So I tried.

"Well," I said, "she makes me think of herself as a child—a little girl. Do you know how some little girls you see fill you with a sort of pitiful feeling that they haven't got a chance—that it's only a question of time before they're walking the streets instead of playing in them? I think of May as that sort of child. Looking at every man with

bold eyes. Always calculating and shrewd. Always thinking of what she could get out of them."

"I know," said Brant, and nodded.

"I suppose she might have married," I said, "and gone to live in New Rochelle or Montclair and been a perfectly respectable suburban wife. But she'd have been a kept woman, just the same. She'd have been the sort of married woman who's always having lunch with some other man, always in the middle of some sort of affair. She'd have been the sort of wife whose husband robs his firm to keep up with her demands and her bills—and then divorces the poor devil the minute he's caught and gets the sympathy of every one in her unmerited disgrace."

"Present visible means of support?" said Brant.

"Well—she's in the Scandals—and—let's see—no—she's through with old Crowe, he went back to his wife. Come to think of it, she's had no one since—"

"When did they break up?"

"Oh, two or three months ago. She's got a sweetie, of course—nasty little worm of a professional dancer called Perez. Cuban—Argentinian—something like that. You remember him, boss. He just did slip out of that Marean jewel robbery—the old girl from Des Moines. But she doesn't

get any money out of Perez—other way around, more likely."

"Exactly," said Brant, his eyes glistening. "Steve, there's only one thing worse than putting two and two together and getting six, and that's not putting them together to get four. Where's your bean? You wonder why Harris is telling this story about her friend, do you? I don't!"

"Gosh!" I said. "I—Lord, I wasn't looking down that street at all!"

"Well, start now," said Brant. "Find out a few things about Perez. Whether he knew Rice at all —whether the Dugan girl ever had him and May Harris around, for instance. She and Rice seem to have lived a good deal like a married couple, giving dinners and that sort of thing. Then, if you seem to have a lead, see what you can find out about Perez the night of the killing. I don't say there's anything in it, but it's worth while finding out."

I went to see West, and I had to tell him something of what I was doing. He was tolerantly amused; he'd become more firmly set than ever, I could see, in his plan for a defense. But he was interested in what I told him of May Harris's tale about the knife and the threat Mary Dugan, according to her, had made. That, of course, was

news to him, and valuable news, too, because it meant that he would have advance knowledge of at least one of Galwey's points, and could prepare to rebut it. But he scouted my idea—or Brant's, rather—that May Harris and Perez, her lover, might be involved in the actual killing. Still, he was willing to let me see Mary Dugan, which was really all I wanted of him.

"By all means," he said, when I asked him. "But you won't get anything out of her."

I did, though, in a way. I wasn't after the material of an interview, you see, so I was able to talk to her without any particular strain on either side.

She'd changed a good deal. In a way she didn't look well, and in another way she did. It was easy to see that being in prison had affected her. She had as much color as she usually had, I suppose; color, with women nowadays, had nothing to do, of course, with their health. But, if I make myself clear, she looked pale; she had what you think of as a prison pallor, for all the skill with which she was made up. Her cheeks were almost transparent; they were like the petals of wax flowers. My name, naturally enough, hadn't meant anything to her when West arranged for me to see her, but she knew me when I came in, and gave me a mirthless sort of smile.

"Oh, hello! It's you, is it?" she said. "I met you at a party, didn't I?"

"Yes—at Harvey Waring's. And a couple of others, too."

"I remember," she said. "I didn't know your name, probably, but I remember your face."

"That was about the way it was with me," I said. "I didn't know, when I first started work on this story, though, that I'd ever seen you, except on the stage. I knew you right away, though—"

I stopped. I was getting on tricky ground, I thought. But not at all.

"You mean in court?" she said. "I saw you, you know. Standing beside Mr. West, in the back. I remembered then that I'd met you, and I wondered who you were. I wondered about him, too—I didn't know him at all, you see. But you both looked—I don't know—friendly."

"We were, and we still are. That's why I wanted to see you. You see—"

And I told her, in a rough way, what I'd done, and Brant's idea of things. She was more interested than West had been, but she said at once she took no stock in the theory about Perez.

"He's an awful thing, of course," she said, "but I can't believe he had anything to do with killing Mr. Rice."

"It's only an outside chance," I admitted. "But it is that. Did you ever have him at your place?"

"Oh, he came in with May, sometimes, I suppose," she said. "Let me see—yes, I remember he did, two or three times, anyway. Mr. Rice didn't like him. But then he didn't like many of the people I knew. You can't blame him, can you?"

She lifted her head when she said that, as if challenging me to make some comment. But I had none to make.

"They're not very nice people," she said. "And I'm not a nice person myself. A common prostitute."

"Oh, look here!" I said. "You don't think of yourself as anything of the sort. Why—"

"Of course I do," she said. "It's what I've been —what I am. Oh, well—it doesn't matter. I'm not, as it happens, a murderess, and that's what they're going to try me for, isn't it?"

"Yes," I said, "and it's the thing we've all got to remember, too. Tell me—how did Mr. Rice like May Harris?"

"Oh, he liked her—she amused him. I think he liked her better than any of the girls I knew. He thought Dagmar was affected and cheap. She isn't, really. It's just a silly pose she has. But

he used to like to hear May talk. He said he'd never seen or heard any one like her."

"He hadn't been around Broadway very much, I take it," I said, and Mary Dugan laughed, faintly.

"No," she said, "he hadn't. That—that was what always made it seem so extraordinary—"

"What?"

"The whole thing," she said. "He wasn't like any other man I'd—well—any other man who'd ever—looked after me. He didn't get drunk, ever. And he was always pleasant. That time May told you about was the only time I ever saw him lose his temper at all."

"Did you threaten him with a knife?" I asked.

"I may have," she said, indifferently. "I don't remember. I'd have done almost anything to stop him from reading that letter."

"It was from 'Jimmy,' then?"

"I'm sorry," she said, very quietly. "But if you're going to see me, and try to help me, we might as well have that out. I can't tell you anything about that letter or about Jimmy—except that he had nothing to do with killing Mr. Rice. He couldn't have, possibly."

There was no use pressing her.

"Well, anyway," I said. "Mr. Rice did like

May Harris? Did he know anything about her and Perez?"

"We never talked about it, but I suppose he did. Every one did," said Mary Dugan. "May was always talking about him. She was mad about him—I suppose she still is. Unless he's given her the gate for some girl he can get more out of."

"Do you mind telling me about how you happened to meet Mr. Rice yourself?"

"Not a bit," she said. "But—oh—when did I meet him first? I've got to think—oh, I know. He came back stage, one night, with some people, and I was introduced to him. And he paid me some compliment, but I didn't think anything of it. I saw him out front the next night, and he came back and asked me to supper, and I went. There wasn't any reason why I shouldn't."

Again she lifted her head, in that way she had of challenging me. But I could be just as matter of fact as she.

"You mean you weren't under obligations to any man just then?"

She nodded.

"Yes. I—well, a man I'd known had got married, and I didn't have any friend."

"Did you think of Mr. Rice that way? At first, I mean?"

She gave the first whole-hearted laugh I'd ever heard from her.

"I certainly didn't!" she said. "I—why, I never thought of him that way at all!" Then she grew sober. "Look here," she said, "if I tell you something will you please understand that I'm not trying to defend myself, or whitewash myself, or anything like that?"

"I think I'm not likely to have such a notion as that about you," I said.

"All right," she said. "Because I'm not much good, and I know it. I'm weak, and I love luxury, and I live the way I do—I lived the way I did—because it's easy. But I never did go after a man, from the very first. They came after me. I—" She laughed again, and there wasn't any pride in that laugh, but a sort of sick contempt that might have been for herself, or life, or the men she had known. "I never had to go after them," she said.

"I see," I said.

"All right," Mary Dugan said again. "Well, I went out to supper with him. I did that three or four times, and once or twice I had lunch with him. I suppose—well, I suppose I did begin to wonder, then, if he was getting ready to suggest anything, but I didn't really give it much thought. And then, one night—I'd known Mr. Rice two or

three weeks then, I suppose—the man at the stage door came in to say that my car was waiting.

"Well, I hadn't ordered a taxi, and I said so. But he said, 'I don't mean a taxi, Miss Tree. It's your own car.' Well, it seemed very funny to me, but I went out, and there was a brand new Rolls Royce, and there was a little lozenge on the back door, and in it my initials—M.T. And the driver touched his cap. So I got in, to see what would happen, because it was like a story in a book, you know. I'd never had a car in my life—I'd been comfortable, for ages, and I had money in the bank, but—oh, I'd never even dreamed of having a car like that."

"Dreaming of it's as far as most people ever do get," I said.

"I wish I'd taken it out in dreams!" she said. "But—I didn't. So I got in, and I was driven to the Park Gardens, and after the chauffeur had opened the door for me he ran ahead and said something to the elevator man. And then he said the man knew where to take me, and I was to go right up. So I did, and the elevator man stepped out and rang a bell, and a manservant opened the door, and bowed, and called me Mrs. Tree, and I went in. And he showed me into a bedroom—you've seen it, haven't you?—and I saw that all my things were there—they'd been moved while I

was at the theater. And then I went on, and in the dining room there was the table laid for supper, and Mr. Rice was waiting for me.

"He was awfully pleased with himself, but I don't know whether he was disappointed because I didn't make a fuss or not. I didn't, anyway. I guess he was pleased, really. I guess he thought it meant something it didn't mean at all, really. All he said, anyway, was: 'Do you like it, Mona?' And I said, yes, I did."

"And that was all there was to it?" I asked.

She gave me a quick look.

"Practically," she said.

"Wasn't there any talk about money?"

"No. Not—not much, anyway. I'm trying to remember. He did say I wouldn't have to be coming to him all the time—that he'd see that I had plenty."

"But he didn't tell you he was going to give you an allowance of a thousand dollars a week?"

"Oh, my God, no! I never dreamed of anything like that!"

Well, that bore out what I'd heard myself, around town. In fact, everything she'd told me fitted in perfectly with the things I'd found out for myself.

"But I suppose you were pleased, when you found out what he meant to do?"

I've never seen anything like the look that came into her eyes.

"Pleased!" she said. "I—Mr. Barrow, if you thought you were going to spend the rest of your life in—oh, in prison—and they came and told you that you weren't, that a time was coming when you'd be let out, if you behaved yourself, and were careful—would you be pleased? Is that what you'd call the way you'd feel?"

I stared at her.

"No," I said. "I—I wouldn't. I don't suppose I know a word that would fit the way one would feel then—"

"No," she said. "I don't believe there is. I felt as if I'd been dead a long time, and I'd suddenly come alive again. I—oh—I can't tell you—but I had to have money! I've always had to have money. Lots of money. More money than—than any girl like me could ever have hoped to earn. No—she can earn it, all right!"

She was bitter as she said that. It was the first time I'd heard bitterness in her voice.

"She can earn it," she said. "But she can't earn it in any way people call honest—or decent—or respectable. Not quickly—the way I needed it. And—I'd never had that much before. I'd never got more than just a little bit more than I actually

had to have. I'd never been able to save more than a few hundred dollars—and then I'd—I'd always had to spend that when—when something happened, before I began to get more. And when I found out what Mr. Rice meant to give me it seemed to me that at last I'd be able to save enough to—oh, never to have to do anything again I didn't want to do!"

She was almost crying as she finished. But, instantly, she caught herself, and looked at me with that queer, half savage look she sometimes had.

"That sounds like the bunk, doesn't it?" she said. "As if I'd been wanting all my life to go straight. I don't mean that. I never thought much about that one way or the other after—well —after I wasn't what they call a good girl any more. And I stopped being that when I was sixteen. No—I wasn't longing for a chance to turn over a new leaf and go straight. But—I—oh—I suppose I wanted to be able to tell a rich man to go to the devil if I didn't like him!"

"Well, I know a lot worse reasons for wanting to make money than that," I said.

I'd found out, I decided, about all I would. I knew a lot more than I had about Mary Dugan,

anyway, and I didn't think Brant would feel that his theory about May Harris and Perez had been damaged much. I didn't myself. I left Mary Dugan to go back to her cell, and I felt I'd done a pretty good day's work.

VII

THE CLUB PRINTAIN

PEREZ'S trail, of course, was Broadway. It wasn't hard to pick up his tracks; wasn't hard, for that matter, to meet him, quite casually. The hard thing was to acquire even a working tolerance of him, to understand, in any measure at all, his perverted viewpoint.

Because, of course, by almost any standards at all, he was a pretty dreadful specimen. Nothing in his record indicated that he had anything remotely resembling a conscience, or scruples.

He came, I found, of what was supposed to be a good Cuban family that lost its money, while he was a student at Columbia, in one of the sugar panics. He'd been very bitter about that, I learned, and had blamed America, as a nation, for his family's disasters; he'd spilled a lot of wild talk about money-grabbing Yankees and all the familiar cant you hear the minute you go south of Key West.

But Broadway had known him before the crash, and its memories and impressions of him even in those days weren't pleasant. He'd spent money,

to be sure, and he'd spent some of it on women, but there'd been ugly stories of cruel things he'd done. You couldn't pin any one down, but there was that hint of sadism, of perversions even Broadway wouldn't talk about. It was the same sort of veiled talk that used to run around below the surface about Harry Thaw.

Then, after the smash, he didn't go home. He stayed in New York and began, so far as I could gather, living on his wits. He wasn't in any ordinary sense of the word a swindler, apparently, and he couldn't, anyway, ever have got very far with men; men shied away from him, instinctively. But women of a certain type, of two or three types, rather, were his natural prey.

This isn't, any of it, pretty, this stuff I'm telling now. But it's the very stuff of the tale of Mary Dugan and the murder of Edgar Rice. There isn't, you see, when you get down to facts, anything romantic, or colorful, or glowing, about the underworld. The life of Broadway, as I define Broadway, is a sordid, ugly life, that rests on greed and fear and selfishness. Broadway wants to live, and to live well, without labor. It wants something for nothing. In its moral code there are only two commandments—don't get found out, never give a sucker an even break. I know there is supposed to be a third—don't snitch.

But there isn't, really. Unless you modify it by making it—don't snitch unless you're sure you can get away with it.

And Perez fitted into this life of Broadway as if he had been born to it. Suddenly penniless he took steps, first of all, to get money. And he got it, without any difficulty, from a girl. She became the mistress of a rich man whom she had met through Perez. Girls like that, like May Harris, represented one of the types Perez could always handle.

But that wasn't enough for him. He did do some work. He danced. He was a marvelous dancer; one of the very best. But he never kept an engagement long. A dancing engagement, for him, was only a place of vantage. It was in the places where he danced that he met rich women, lonely, bewildered, older women, newly aware of impulses they had been repressing all their lives, just become aware that life for them was nearly over before they had begun to live at all. He made love to a dozen women like that, and, in one way or another, he bled them white. Sometimes he blackmailed them. Sometimes he staged a robbery of their jewels. Sometimes he could get all they had for the mere trouble of making his demands with a threat to leave them unless they complied.

Of the law he was clever enough to keep clear. He'd never been arrested. He'd been shadowed again and again, been under suspicion more times than you could count. But the sort of evidence a jury would act upon the police had never been able to get. I suppose he was, to some extent, immune; he probably had an understanding with the police at times. But there's less of that in New York than people think.

Naturally there is police graft. Policemen, of all ranks, have winked, and do wink, even to-day, at violations of the law because their palms have been crossed. But the sort of gigantic conspiracy of graft that some people imagine to exist in New York is just a fantasy. There is, in the force, too great a leaven of honest men, men whose stomachs turn at the sort of thing Perez did. No. What helps a beast of prey like Perez more than police dishonesty is police stupidity. Stupidity like Hunt's, which makes the average policeman accept the first coherent explanation of any crime that either gives him a prisoner or makes it plain that the failure to make an arrest isn't his fault.

All this, as I say, was easy enough to get. The thing I wanted though, and that I had to approach with the delicacy of a man walking on eggs, was knowledge as to what Perez and May Harris had

been doing the night of the killing of Edgar Rice.

And to get this I finally, though with a good deal of reluctance, had to make use of a man who was on a weekly salary with the *Star,* a head waiter in one of the night clubs. This was Ed Very—Edouard Very—who was maître d'hôtel and part proprietor of the Club Printain, and eked out his income by supplying us with tips. I say us—for all I know, and Brant agrees, he may have been doing exactly the same thing with other papers. But he certainly had given us leads that had given us four or five good beats. It was through a tip from Ed Very, for instance, that we first learned that trouble was brewing between young Van Ekstrom and his wife.

I wasn't disposed to trust Ed around the corner, but I couldn't help myself. I had to tell him frankly that I was looking into Perez's—and May Harris's—alibi for the night in which Edgar Rice had been killed. He wasn't in the least surprised.

"Always I know," he said. "Always I wait. Finally you come to me—no? He is a bad one, that one. And he is a stupid one. Would you believe—we have here rubber checks of his for hundreds. When they come back I say, 'Tiens—that is well enough. When Señor Perez he have money, he shall make good.' It is common

enough. I have had bad checks from some of my best friends, and always they make good. But not Perez. No."

That made me feel better about confiding in Ed. Plainly, Perez had broken one of the Broadway rules. Broadway has to be able to trust its own, you see, as a matter of self-defense. That is one of the things that has created the illusion that there is a sort of honor along the great white way. Honor your grandmother! The sort of honesty Broadway deals in is the most elemental sort of self-interest. But I was glad to know that with Ed Very, at any rate, Perez had been fool enough to put himself outside the pale. It promised to simplify one very difficult part of my job.

"I thought of that one from the first," said Ed, musingly, going on. "I say to myself—'Miss Tree? Mais non. Who then?' And I think of that one—Perez. Naturellement."

"Why, Ed? Why did you think naturally of him?"

"Because of things I know," he said. "Because, just for one thing, I see him trying to make friends with M'sieu Rice, here in this very room."

I was talking to Ed, by the way, in the main room of the Club Printain, in that stagnant hour between late dinner and early supper when such places are like deserts.

"I think of him," said Ed. "And I begin to remember what I can of that night when M'sieu Rice was killed. Did I see Perez? Did I see Miss Harris? And when—and where—and what were they doing?"

This, you can see, was more than I'd hoped. The most I'd looked for from Ed was an attempt to project his memory back, with all the almost inevitable inaccuracy you have to expect in such a process. But, seemingly, he'd done it at once, for reasons of his own, and fixed hours and places in his mind firmly. If he really knew anything, and he was talking as if he did, that was going to make him simply invaluable.

"So I begin to remember," Ed went on. "And I remember that that evening Perez and Miss Harris they dine here, and I have some talk with Perez about dancing here again. I have, you see, this English girl, and I want for her, to what you call put her across, a partner known, arrivé. Like Perez. So we are ver' friendly, Perez and I, because we each see a chance to get from the other something we want. Animal—sale espèce du cochon!

"But we settle nothing then. I think if I wait I get him cheap, because, you understand, just then he is what you call broken. The petite Harris—she have no friend and no money to give

him. And he must still what you call lie low because of the trouble with the old lady, the Madame Marean—and her bijoux—her jewels. So I say to myself, 'Wait, my old one, and he will come to your terms.' Because I know soon he must have money.

"So, presently, he go away, after dinner, but the petite Harris stay here. And later, after minuit, he comes back, and I see something good has come to him. He is smiling—what you call cheerful—gay. And he order champagne, and he have the money to pay. And he talk a great deal, very low and gay, to Miss Harris, and she laugh a great deal. And I think, even then, and I take one small precaution, you understand—I have in Emile, from outside the door, and I ask him how M'sieu Perez he arrive, and he tell me—he went away and he came back, all in the same cab. Bien entendu?"

Well heard indeed! I hadn't missed a word, a syllable, a single intonation. And for the first time since I'd started work I was feeling the thrill you have when you've struck a hot trail.

"Yes—!" I said. "And what did you do? Did you talk to the driver?"

Ed favored me with a grimace, a Gallic shrug, a widespread gesture with both hands.

"But no," he said. "I know, for the moment,

all I have curiosity to know. For the rest—I wait. If I learn too much—who knows what I may feel I must do? If I know so much and no more it is as I would have it—that I have what you call power, but of responsibility—pouf—nothing!"

Never had I been surer of Ed Very's remarkable gifts. But then, in his calling, no man may hope for success who has not the basic qualities of a Metternich or a Talleyrand, who could not aspire, at least, to a career as a diplomatist of the old school.

"I see," I said. "But now—how about it now, Ed?"

Again he made a gesture—of renunciation.

"Now, as m'sieu must see, all is changed." He smiled. "M'sieu, representing his great journal, demands of me information it is my duty, as an humble member of its staff, to give. The responsibility, henceforth, is not mine, but that of M'sieu and M'sieu the editor."

"You can find this driver?"

"Parfaitement, m'sieu. One moment."

He came back, in less than two minutes, beaming.

"He is here," he said. "He remembers perfectly where he took Perez—and waited for him. He is entirely ready to take M'sieu to that place."

"Good," I said. "Thanks, Ed. I'll put in the usual voucher for you to-morrow."

"M'sieu is too amiable." A shrug. "But—it is true—the laborer is worthy of his hire."

I went out. The cab Emile pointed out to me was one of the old, disreputable, high-backed machines you see on night club ranks; the typical gyp. But the driver wasn't so bad. Rather a clean-cut boy, in fact. I got his name from the card—Leonard Murphy.

"Your cab, Murphy?" I asked.

"Not a chance!" he said. "I work for Levitzki." Levitzki owned dozens of cabs, and rented them, on shares, to drivers who had no car of their own. "I'll have my own if I can save enough to make the first payment. Wish't I was workin' for the Yellows again, though."

"Why aren't you?"

"Won't have me." He showed gold teeth in a flashing smile. "Did a ten-day stretch for speeding—third offense. Just got my license back. Watching my step now, believe me."

"You know where I want to go?"

"Sure. Place I took that little dago to."

"How do you remember so well?"

"Lots of reasons, boss. One was he was my first fare the first night I took one of the sheeny's cabs out—another is the boss back there bein' so

particular to have the starter speak to me. An'—I hated that little wop's guts, too. You know how it is—you take a dislike to a guy, sometimes. For no reason at all, like as not."

"All right—let's go," I said.

We swung across town to Fifth Avenue, and up. Then east, in the Seventies. He stopped, finally, after a complete turn, opposite a towering apartment house—a place of vast luxury, filled, in the main with duplex apartments owned outright by their tenants.

"Right here's where I waited—best part of an hour it was, too," he said. "And the little wop went in that house across the street."

"Nowhere else?"

"You're damned shouting nowhere else. I watched him in—and I watched to see him come out. He hadn't paid his fare, see, and I wouldn't have put it past him to try to gyp me."

For the moment I was a little dashed. How was I to find out whom Perez had gone to see on that black night, with murder in the April air? It was a hundred to one chance against any of the hall attendants being of the slightest use in telling me. Then, all at once, something vaguely familiar about the house struck me, for all its pattern-like resemblance to so many of the newer structures of its type. I grabbed Murphy's arm.

"What street is this?" I asked him.

He looked at me as if I'd gone mad, and I laughed, and let his arm go.

"East Seventy-sixth, boss," he said.

I think I came nearer to laughing like an hysterical woman then than I ever had before.

"Seventy-sixth! I lost track—I thought it was Seventy-fifth!"

For the house across the street was the one in which Edgar Rice had lived his lawful, wedded life—in which his widow and his orphan still lived! And Perez had spent an hour there the night that Rice had been killed! It was from that meeting with Perez that Rice had gone out into the night, to Mary Dugan's flat and death!

VIII

A HOUSE IN EAST SEVENTY-SIXTH STREET

WELL, I had something to bite on at last, as Brant would have put it. And now, knowing what I knew, I felt differently about crossing the street and going into the house in which Edgar Rice had spent a part of his last year of life. Luck favored me, I thought; it was very nearly the same time of night that it had been when Perez had been here on the night of the murder; I ought to find about the same lot of attendants on duty. Moreover, being night, the superintendent, or manager, or whatever they called the super-janitor of this particular house, probably wouldn't be around to interfere and silence his subordinates.

My first cast, as a matter of fact, brought results. When I went in I saw only one uniformed figure; just by chance the doorman was away for a minute and the only elevator that was running was upstairs. But, by the private switchboard, serving the house telephones, was a bright,

very wide awake youngster. He came to attention when he saw me and took a step forward.

"Can I announce you to any one, sir?" he asked me.

"No," I said. I considered him a moment; then took out a ten-dollar bill and offered it to him. The way he took it was reassuring. "I want some information. To begin with—what's your name? It makes it easier to talk if I know."

"Right, sir. George Martin, sir."

"Good. I think you'll have guessed that I'm a reporter—Mr. Barrow, of the *Star*. George, were you on duty here the night Mr. Edgar Rice was murdered?"

His eyes popped. But I was sure it was pleasure, not fear, that they showed.

"Yes, sir, I certainly was. I've often wondered if I wasn't one of the very last people who saw Mr. Rice in life."

"I imagine you were," I said. "Now—I want you to think very carefully, George—did any one come here to see Mr. Rice that night?"

"Yes, sir. A man."

"At what time—about what time?"

"Just after ten o'clock, sir."

"Would you know him if you saw him again?"

"Anywhere, sir."

"Why? Can you describe him?"

"Yes, sir. And that's just why I'd know him again. He was some sort of foreigner. I think I know who he was, sir, though, if that's any help. I was pretty sure I recognized him the minute I saw him. And when he told me his name and asked to see Mr. Rice I was sure I was right. It was Perez, the dancer."

"He gave his name, then?"

"Oh, yes, sir! As bold as you please. He came in, swinging his cane, and smoking a cigarette, and came right up to me. 'Mr. Rice, please,' he said. 'Mr. Perez calling.' "

"And you announced him?"

"Yes, sir."

"By telephone?"

"Yes, sir. We always do. That's what the house telephone is for—announcing visitors, and for the tenants to order cabs or give instructions. There's no outside service from this board, you see, sir. Each apartment has its own private telephone."

"I see. Who answered—Mr. Rice?"

"Oh, no, sir! It's scarcely ever a member of the family who answers a call from here, unless it should be very late, when all the servants were out, or in bed. It was the butler who answered."

"Yes. Naturally. What did the butler say?"

"Well, sir, he said he'd tell Mr. Rice, and I held

the wire. And then he came back and said Mr. Rice would like to know what Mr. Perez's business was. And I told Mr. Perez that."

"What did he do?"

"Well, sir, he smiled a very saturnine smile. And he took out his cigarette, like I've seen Adolphe Menjou do, in the movies, and he spoke out of the side of his mouth, like. 'Say that I can tell my business to no one but Mr. Rice, but that he will always be sorry if he does not see me,' he said. 'Ask him if he will speak with me over this telephone.' "

"And you told the butler what he'd said?"

"Yes, sir. And in a minute Mr. Rice came on the wire. He sounded very angry, sir. And he said: 'Put that damned dago on the wire, George.' So I did."

"And I suppose all you heard then was what Perez said?"

George smiled what he would probably like to have described as a saturnine smile.

"No, sir," he said. "I kept my key pressed down, and I heard everything they both said." He pointed to a set of headphones on the switchboard. "I had that on, sir, you see. But it wasn't very much."

"You remember what you heard, though?"

"Oh, yes, sir. Every word. Mr. Rice said:

'Perez? Damn you, what do you mean by coming to my home like this?' And Perez said: 'I'm sorry to bother you, Mr. Rice, but I have some information I think you will be very glad to get. And if you will be good enough to give me a few minutes of your time I am very sure you will never regret it.' And Mr. Rice was quiet for a minute, and then he said: 'Very well. But I warn you that it will have to be very important information to justify your insolence in coming here, to my home.' And Perez said: 'Thank you, Mr. Rice. Will you tell them I am to come up?' And Mr. Rice said: 'Yes—put the boy on the wire.' So I waited till Perez told me, and then I said, 'Hello, Mr. Rice,' and he said, 'You can let that man come up.' And then he went up."

"How long did he stay?"

"Nearly an hour, I think, sir. Anyway, it was before eleven that he went, but not very long before. And Mr. Rice went out about half an hour later. Or maybe it wasn't as long as that. And I never saw him again."

"You've never told any one about all this?"

"No, sir. Not all of it. John, the elevator man, knew some of it, but I didn't tell him what I'd heard over the telephone."

"What did you think of it?"

"Well, sir, I didn't know."

"Did it ever occur to you that it might have something to do with the murder of Mr. Rice?"

"Yes, sir—I wondered if it didn't, perhaps. But I didn't know. It needn't have, you see, sir."

"Quite true. You didn't think of telling the police?"

"I was going to tell them all I knew if they came around and asked any questions, sir. But I've known a lot of people who got into trouble by offering to tell things to the police. So I thought I'd better wait, sir. And—you see—well, sir, we'd all been told not to talk. The management didn't want the house talked about any more than could be helped, and, of course, after the murder, there were reporters around all the time for days, trying to see Mrs. Rice and the servants and any one they thought might know anything. But they didn't any of them ask me any questions—and, of course, I'm only on late—till midnight, that is, sir. I come on at four o'clock and work till midnight."

"All right, George," I said. "I'm not going to tell you not to tell any one else what you've told me, but I hope you won't—unless the police come around. I don't want you to get into any trouble."

"No, sir. Thank you, sir. I don't want to, myself. But I'll not tell any one else, sir."

"Good," I said. And I added ten dollars more to my expense account. I thought George's story was

pretty cheap at twenty dollars. Not that I had any illusions. There was a lot to do yet. What I'd found out definitely connected Perez with the murder. But it was a long way from even beginning to prove that he'd had any part in it. Even Hunt, though, I was inclined to believe, would feel, on the basis of what I could tell him, that it was important to check up Perez's alibi for the significant hours of the night of Edgar Rice's death.

I wasn't going to Hunt right away, though. I owed Hunt nothing. I walked back, across the street, to where Leonard Murphy was waiting for me, and I was glad to see that he was dozing, and not watching for me to come out.

"Hello, boss—all washed up?" he said.

"I'm through here," I said. "Anyway, how come you weren't keeping an eye on me to see I didn't walk out on you without paying you?"

He grinned.

"I should worry about you," he said. "Where to now?"

"I want a telephone," I said. "Drive down Lexington or Madison till you find some place that's open and has one."

It was getting pretty late, but when Murphy pulled up outside a cigar store I went in and called West's apartment quite ruthlessly. After quite a little wait he answered himself, and he sounded

sleepy and annoyed—though, at that, there was a queer sort of note in his voice, as if he didn't quite dare to be too short.

"Hello, West," I said. "I've dug up something, and I want to tell you about it right away."

"Oh, it's you, is it?" he said. "Barrow, the boy deteckative? All right—come on around."

So I went back and told Murphy to take me to the Park Gardens, and if the address meant anything to him he didn't show any signs of it. That suited me; I was sorry, for a second, that I hadn't let him go and tried for another cab. I didn't want Mr. Leonard Murphy putting two and two together. Not just yet, at any rate. But I imagine he hadn't connected the house in East 76th Street with Edgar Rice.

I did let him go at the Park Gardens; I could walk home from there, after I'd done with West, without hurting myself any, or get another cab, without difficulty, if I wanted one. I went in, and the elevator boy, when I asked for Mr. West, asked if I was Mr. Barrow, and said I was to come right up. West opened his door, in pajamas and dressing gown. He didn't look very pleased to see me, but I didn't care.

I started in from the beginning and told him all I'd found out. He sat still, without any expression at all in his eyes, listening to me.

"So there it is," I said. "If Hunt knows about this he'll have to check up Perez's alibi and the Harris girl's, too, of course. But I wanted to tell you before I went to the police."

"By God—I'm glad you have that much sense!" said West. His hand came down on the arm of the chair he sat in with a crash. I jumped. It was only the second time I had ever seen West's mind mastered by his emotions. "Barrow—are you deliberately trying to send Mary Dugan to the chair?"

I stared at him.

"What the devil do you mean?" I said. "I've just dug up the first bit of evidence any one's found to indicate that some one else was involved in Rice's death!"

"That's the way it looks to you," he said. "But —suppose what Perez told Rice, what he took the risk of going to his home to tell him, was that Mary Dugan had another lover? Follow out your own line of thought. Assume that May Harris did want to supplant Mary Dugan with Rice—and that Perez was prepared to help her, so that he might share in the things Rice had amply proved he was prepared to give his mistress? Wouldn't the surest way of bringing that about have been to convince Rice that the girl he was lavishing money and care upon was untrue to him?

"What is your theory as to this interview between Rice and Perez? What explanation have you of Perez's going to Rice at all?"

"I—I haven't got that far, yet," I said.

"There has to be one—there must be one," said West. "Can't you see that the one I've suggested is the only logical one? If Perez was involved in the killing, if he had murder in his mind, would he have left his trail wide open, for you or any one else to follow a month later? He goes from this club in a cab—he comes back in the same cab. He gives his real name when he inquires for Rice. He had nothing to fear—nothing to conceal—except, perhaps, a form of blackmail, and he had no fear of being brought up for that.

"Man alive—everything fits in, everything you've told me. I can hear Galwey now, bringing it out—bringing up the last ounce of proof he's needed—establishing Mary Dugan's motive for killing Rice. It's the one weak spot in his case now—and you want to make it the strongest link of all! Up to now Hunt and Galwey have guessed at a motive—this would give them proof! Man—can't you see I'm right?"

He shook me. There was logic in what he said, and I could see it. Yet I clung, doggedly, to a belief that he was wrong. I couldn't argue with him;

the logic of the facts, as he stated them, was on his side.

"For God's sake—" Still West was in the grip of his emotions, for all the power that he had shown in an intellectual assault upon my story. "I can save this girl's life if I am let alone. I saved Sanford, I'll save her. But, by God, I can't do it if you're going to destroy my whole case, my whole defense, by a piece of madness like this!"

"But—but—look here—" I said. "You're talking now as if you believed yourself that Mary Dugan killed Rice—as if her only chance was for the state to fail to prove that she did."

"It is her only chance!" he said, vehemently. "No—I don't believe that she killed him. But—I don't see how it's to be disproved. I do see how it can be made difficult, if not impossible, for it to be proved—and that is all I do see."

"I can't split hairs to that extent!" I said. "I'm sorry, West—but I can't do it. If that girl's innocent it can be proved that she is—it must be proved." I was rallying from his attack. "And, look here—damn it, even if you're right, even if Perez did tell Rice just what you think he did, it doesn't follow that the rest of your deductions are right."

"If he told Rice Mary Dugan was untrue to him

I think he lied—and knew he lied. I think he told that story, if he did, to bring about just what happened—to take Rice to her apartment, where he could be killed—in such a way, at such a time, that Mary Dugan would seem to have done it, and to have had a motive for doing it! I—I won't go to the police yet, but, by God, I won't rest till I know where Perez was the rest of that night!"

"Do as you please—so long as you stay away from the police and don't let them get on to what you're doing," said West, with a sneer. "And—don't continue to feel that I'm working with you any longer! I wash my hands of you for the fool you've proved yourself to be!"

IX

THE HEART OF THE MAZE

AFTER all, when I left West, I didn't go home. I went to the shop instead, and, by a stroke of luck, caught Brant, who'd come in to pull a fading story together. We went out together, and over an oyster stew, in an all-night restaurant he favored, together with truckmen and street cleaners, I told him what had happened.

"Am I crazy, or is West?" I said. "I—Lord, I can see a grotesque sort of point in the way he went on, but, just the same—"

"You're neither one of you crazy," said Brant. "I can see West's point, and you've got to see it, too. He's got a one-track mind. It's his great strength—and his great weakness. As a criminal lawyer and all through his life. Once he takes a stand he's got to stick to it—he can't leave his mind open to any other impressions, once it's made up.

"But that doesn't mean we're going to stop short about Perez. West may be right—you've got to face that, Steve. You've got to face something else, too. It may be that Mary Dugan did kill

Edgar Rice. Shut up—I don't believe it, any more than you do. But—we don't know. We're basing this conviction we've both got that she's innocent on a hunch. The evidence is all against her—and Galwey's got a case that would send her to the chair if she were tried to-morrow and nothing more than we know now came out in the evidence.

"You've dug up some facts about Perez. They're good, new, interesting facts. They lead West to one conclusion—they lead you to another and diametrically opposite one. I like your conclusion better than West's—but that may be only because it happens to fit in better with my own preconceived ideas. As a matter of fact neither conclusion is worth a damn—because we haven't got the one fact we need to justify any conclusion at all. We don't know what it was that Perez told Edgar Rice. I think, myself, that if we knew that the whole mystery would vanish. And—I don't believe West's theory of what he told him, the theory you're more than half inclined to accept, is the right one."

"I'm only accepting it, to the extent that I do," I said, "because it's the only one that there's any logical basis for believing. Why don't you think it's the right one, boss?"

"Because that belief isn't to be reconciled to another related fact that we do know—no, not a fact,

but a surmise so good that it's almost safe to call it a fact. There's at least one other living person, besides Perez himself, who, in all probability knows what Perez told Edgar Rice that night. And that's Mary Dugan."

I nearly jumped up.

"That's so!" I said. "Of course it's so! She said he'd been upset—that he was in a terribly nervous state. And I'll tell you what is a fact—that if Perez did tell Rice Mary had been untrue to him Rice didn't tell her he had!"

"Why do you say that?" said Brant. "I agree —but what makes you say so?"

"Why—good Heavens—it's almost self-evident!" I said. "If he'd gone to see her, when, plainly enough, he hadn't planned to, to face her with a charge like that made to him by Perez, would he have stayed there—gone to bed with her, after a talk like that, as a husband goes to bed with his wife?"

"Check!" said Brant. "That's why I don't believe that that was what Perez told Rice. But what it actually was we've got to find out. You'd better see Mary Dugan to-morrow, tell her what you've found out, and try to make her come across. We know, you see, that she's holding out about this 'Jimmy'—it's a fair bet that she's holding out about this, too."

"I'll see her," I said. "And if there's anything I can do to make her talk I'll do it."

"And, meanwhile," said Brant, "you're not through for the night yet. You've got to see Ed Very again."

"I know," I said. "You mean to check up on Perez and May Harris after Perez came back to the club?"

"Right. We'll have to go pretty far in trusting Ed—worse luck. Still—he may be all right. He's got a grudge against Perez, you say—and—didn't you say he seemed to have a feeling Mary Dugan didn't do it?"

"Yes," I said.

"Well, we've got to string along with him, whether or no, and we might as well do it cheerfully and hopefully. He's our best bet—and he's come through so far. I know worse scoundrels than Ed, when you come right down to it. And —he's got a streak of sentiment, if you go deep enough. Tackle him again, anyway."

But that took longer to do than to say. Because, when I got back to the Club Printain, everything was in full swing. Oddly enough, the first people I saw, dancing, were Perez and May Harris. I just caught a glimpse of them before they were lost in the crowd that was dancing to the marvelous orchestra. I didn't see Ed Very at all, but he was

always disappearing mysteriously and reappearing just as inexplicably. Henri, his deputy, made room for me, though.

I sat, and waited, and watched the crowd. It was amazingly mixed, as the crowd is, nowadays, at all such places. There don't seem to be, any longer, in New York, at any rate, places to which nice women don't go. Here were débutantes, young matrons, women of position in society, on the stage, in the arts, rubbing elbows, as they danced, with girls like May Harris, and never giving it a thought. Here were novelists, bankers, bootleggers, gamblers, jockeys, prize fighters.

I was sitting off, pretty much by myself, high above the dance floor—the floor, you see, was surrounded by platforms arranged, as it were, in steps. I was high enough, at any rate, to get a feeling of detachment, and to have the din of talk and laughter come to me in a composite note, as the music of an orchestra does when you sit in the topmost balcony, and get the harmonics and the overtones and not the dominant sound of one or two instruments or groups of instruments.

And this note, this tone, was made up of sound and time together, of course. It beat against my ears, it seemed to beat against the whole surface of my body. It was feverish. It was like what I imagine the pulse of a fever patient must be,

jerky, uneven, filled with a queer panic. It seemed to me that all these people were afraid of something. You got no hint of honest mirth or joy. It was all forced, strained, artificial. It was utterly unreal—yet behind it was something real, primitive.

It seemed to me that it was through no accident, no chance, that the music of this dance was preeminently negroid in its character. I spent some time in Haiti once, and I used to lie awake, outside the town of Port au Prince, especially on a Saturday night, and listen to the terrible, monotonous pounding of the drums. The rhythm of those drums was lost when I went close, and watched the dancing, and could hear the accompanying instruments—a flute, or a saxophone, or a violin, whatever they had. The drum was the real music of those Haitian dances; the drum that had come straight from an African jungle to a West Indian island.

I got the feeling that all these people were oppressed with a sense of the menace of life, and its uncertainty, and I could see how like their fear was, and their whole feeling, to the fear that must have impelled the negroes in the jungle to seek a refuge for the moment in those beating tom-toms and the rhythmic dances they inspired. No wonder that here in America, in this new jungle in which men and women prowled, in constant fear

of wild beasts, they had turned, as the negroes before them had turned, to the savage, utterly real rhythms of jazz.

My eyes followed Perez and May Harris whenever they danced. I could see a change in the little Cuban. He was cock-a-whoop. He was sure of himself. He was relieved of some fear, some urgency, that, of late, had moved him. Why? All at once I felt myself rising from my chair; I had to make a definite, physical effort, backed up by every bit of mental power and wisdom that I had, to force myself back into my chair. I wanted to rush down, grasp him by the throat, shake what he knew out of him. Because, in that moment, there had come to me a vision of Mary Dugan, alone in her cell in the Tombs, and of the death house yawning for her, and Hunt and Galwey about their deadly preparations to send her to it. And Perez knew the truth. So much was certain. If he hadn't killed Edgar Rice himself, and I was sure he had, he knew who had done it.

It was just then that Ed Very came, on silent feet, to be beside me before I knew that he was back in the room. He stood, leaning toward me, over my table, the attentive waiter in every posture of his slim, graceful body—slim and graceful still, though fat was gathering, slowly, about his middle.

"So!" he said. "You are back!"

"For more," I said. Swiftly, because I had a feeling Ed and I had better not be seen together for too long, I told him what I had found out—but nothing of what West had said, not even that I had taken my tale to West. He nodded, unmoved, unsurprised.

"I thought something of the sort," he said.

"I flung West's theory at him as if it had been my own.

"No," he said, instantly. "It was not that. Bien sur. It was something, but not that."

"Why?" I said.

He shrugged.

"Because Miss Tree—she had no lover. She was what you call true to this Rice."

"You speak as if you knew that for a fact?"

"I know nothing. Who knows anything? But—there are some few things I would bet money upon, and that is one of them." He had recourse to one of those gestures of his that saved him so many unconvincing words. "So many things come to me—would not that have come—as easily as to Juan Perez?"

Well, that was plausible, reasonable, credible—whatever you choose to call it. Probably Mary Dugan couldn't have had a lover without word of it coming, in one way or another, sooner or later.

to Ed Very's ears. Broadway had mighty few secrets from him.

"Have you no clew at all to this Jimmy she talked about?" I asked him. "Think, man—think! More and more everything seems to hang on this Jimmy."

He shrugged.

"But—is it not obvious? This Jimmy—he is, he was, the little Tree's amant du cœur. But when? How should I know? Not lately. Not since I have known her and Broadway. Of that I am sure. I do not know. May Harris does not know. That other—the one who calls herself Dagmar Lorne." He grinned. "You know, my friend, that one's true name, non? Sadie Brown! It is well that there is something in the world left to laugh at—no? Well, neither does she know, or the police, by now, would know, and this Jimmy would be in prison."

I could concede that. But—some one must know. Some one besides Mary Dugan, in her cell, with her full lips tight shut and her eyes wary, and the secret of Jimmy in her heart. That was the first time I knew I hated Jimmy. I hated him because Mary Dugan loved him well enough to risk her life to spare him. I hated him because of the living, mysterious, mystical proof he was that she

could love, that behind the kept woman, the woman of the town, there was another Mary Dugan serene, high, unattainable. Unattainable, untouchable, untouched, for all that she had put her lovely body on the market block.

I had to pull myself together.

"Come, Ed," I said. "What did Perez and May Harris do that night after he came back from seeing Edgar Rice?"

"But, yes," said Ed. "That you would know. That I had need to know myself. And so, the next day, when I heard Rice was dead and Miss Tree was in prison, I began to remember—to sit still, with my eyes closed, and draw pictures on the blank wall they made. I can tell you, I think.

"When Perez he is come back May Harris is not alone. She have found friends who have come in, after Perez is gone, and have sat with them. And when he come he take her out to dance, but it is that they may talk. And then the others dance, and they stop, those two, and sit by themselves at the table, and still they talk, and Perez, he calls for champagne, and shows yellow billets de banque to pay—or he would not have got his wine, I promise you.

"And then, after a little time, he go, but May Harris, she stay here to the end, till we close, and go away, then, with those others. That is all I

know. Not, this time, where Perez, he go—for, though I try to find out, it is, this time, that he does not take a cab, but walks to Broadway, and turns the corner, and is gone—no man knows where."

"But you know what time he went?"

"Bein sur, m'sieu. At not much after half past twelve—a minuit et demi."

And with that I had to be content. I finished the sandwich I had been toying with and went out. Perez and May Harris were just ahead of me; Perez gave me a nod, cool, insolent; May Harris the deprecating, questioning look and smile she had for every man.

X

COUNSEL FOR THE DEFENSE

ODDLY enough, for all my excitement, I slept better that night than I had for a week. I suppose it wasn't really strange; I still felt, in spite of the cold water West had thrown over me, that I was on a real trail at last. The more, indeed, I thought of my talk with him, the less intelligent his reaction to what I had told him seemed. I could still admit the logic of his presentation of the facts but—I don't know—it was too pat, the way he'd come to bat with that rejoinder to my story.

If he'd worked it out, before my eyes, so to speak, I was beginning to feel, it would have been much harder for Brant to stiffen my wavering belief in my own theory, my own interpretation. But he hadn't. That theory of his had been ready, waiting. It was almost as if he'd known what I was going to tell him, and had his answer prepared in advance, against just such a situation as my going to him had created. And that wasn't reasonable, because he couldn't have known. Not unless he'd been lying to me all the time, and had had

detectives out to ferret out just such evidence as I'd been trying to get.

And I didn't believe he had done that, for many reasons. In the first place, it would have been utterly inconsistent with his whole theory of defense, with his insistence on letting the enemy force the fighting. Again, it would have been strange if, had some investigation akin to, parallel to, mine been afoot, I hadn't, at some point, crossed its trail. And, for still another reason—well, this is giving away a secret, but very few moves of importance were being made, during Brant's control of the *Star,* by any private detective service of any importance at all, that we didn't, very soon, know about. I don't mean that we were kept posted as to what the agencies found out, but we did, just about nine times out of ten, find out that they were at work. So, for that matter, did most of the other papers—certainly all the so-called yellow ones did. How do you suppose it first came to light that a nationally known agency was concerned in the oil trial in Washington? By pure chance? Don't make me laugh!

I suppose there's never been a more savage sort of competition than that which is demanded nowadays of newspapers. When you come down to it, you see, a newspaper's function is to give the

news. The only way a paper can beat other papers, competitively, is by being a better newspaper—by giving the most news first, you might put it. In other words, by having more beats, scoops, exclusive stories.

Now the ordinary sources of news are open to all newspapers, all press associations, alike. It's no longer possible, as it used to be, for one paper to beat the rest, consistently, on news of what you might call a routine type, accidents, crimes, matters of general and public record. The great news beats of to-day are based upon occurrences, happenings, that some one is trying to keep quiet. All the rest is well organized.

But let a big man die where he shouldn't die—as big men have died, again and again; as big men will, so long as human nature continues to be what it is, probably die again. There is, if it is at all possible, an effort, a powerful effort, to conceal the facts. Just so, to take a less serious case, suppose that in a famous hotel a woman's jewels are stolen. Again there is the powerful, concerted effort to keep the facts from the public knowledge. Sometimes the police themselves are involved, and the public record supposed to be inevitable is not made—perhaps because that particular police department is smarting under a newspaper crusade

against a crime wave, perhaps because of a genuine belief that secrecy will make it easier to catch the thief.

But these efforts to hide the truth seldom succeed for any great length of time. And why? Just because papers like the *Star* maintain an intelligence service of their own, manned by people whose only connection with the paper is the money it pays them for the tips they give it. We, as I happen to know, had such confidential agents with every big detective agency, in most of the hotels—perhaps a maid, perhaps an assistant manager or a floor clerk —in the police and fire departments, in steamship offices, in the offices of law firms that had divorce cases to handle—everywhere where concealed and hidden news was likely to be known.

And it is, nine times in ten, from some such source that the first lead to a big beat comes. Reporters don't just wander around the city at random, looking for news; they'd get precious little if they did.

So I really was pretty sure of my ground when I came to analyze West's behavior. And, the more I thought along those lines, the more it scared me to feel that he, and he alone, stood between Mary Dugan and destruction. It wasn't at all that I thought him stupid, or incompetent; it was just that I felt that her defense demanded a mind more

pliable, more open to new impressions, than West's had ever been or ever could be.

I had much more hope of Mary Dugan herself, naturally. To begin with, I felt that she was inclined both to like and to trust me, and, again, I hadn't felt in her a willingness to accept entirely the wisdom of West's Fabian tactics. She stood, I was disposed to think, somewhere along a middle line between West's caution and my impulsiveness. And, after all, she had the right that every prisoner whose life is at stake has, to be the court of last resort as to the proper means to be taken for her defense. For I couldn't and wouldn't concede for a moment, and I had no idea that she would, West's right, that, arrogantly, as it seemed to me, he was always asserting, to be the sole judge of the tactics to be employed in her behalf. For, in the last analysis, it was Mary Dugan's life and liberty, not West's or mine, that were at stake.

I went to the Tombs to see her, the morning after that night that had set me on Perez's trail, full of eagerness and excitement and hope. I felt that she did, now, hold the key to the mystery; I was perfectly certain that she would place it in my hands. And then, to my shocked amazement, I wasn't allowed to see her.

So far as the prison people went, of course, that was pure routine. I had no right to see Mary

Dugan; if I saw her at all it was a privilege conferred with her counsel's consent. And he had given orders that I was not to see her. She could have overruled those orders and seen me anyway, but I didn't—I wasn't, at that stage, prepared to —ask her to do that, even if I could have got word to her, which wasn't sure. I did, of course, go to West instantly, and, after cooling my heels for most of an hour in the library of his office, I saw him.

"Have you given orders that I am not to see your client?" I asked him.

He nodded, very coolly.

"Yes," he said, "I have."

"Why?"

"My dear chap—don't let's argue about it. I should have thought I made my reasons perfectly clear last night."

"Well," I said, "they're a long way from being clear to me, I can tell you!"

"I regard that," he said, "as regrettable, but not, frankly, as important."

He sat back in his chair, his legs crossed, and looked at me through his glasses. But I was determined not to get angry.

"Look here, West," I said, "I didn't have any answer for you last night. You took me completely by surprise—it hadn't occurred to me that it was

possible to take the view you did. But you were very convincing—"

"My dear fellow—you give me too much credit. It was the facts, and their impact on your own mind, which, for a reporter, really isn't a bad one, that convinced you!"

"I wish you'd let me finish," I said. "I didn't say I was convinced. I said you were convincing, and that's just what I meant. As a matter of fact, I wasn't convinced at all, and I hadn't been away from you very long when I began to see a way of looking at what facts there were that was wholly different from the one you'd chosen."

"Chosen?" said West. "That implies that I saw two ways of looking at what you said and chose one in preference to the other. And that is not so."

"Oh, don't split hairs!" I said. "I'm not trying to analyze your mental processes, West."

"Thank you," he said. "I fear you would find the effort beyond your powers in any case."

It wasn't easy, you know, to keep my temper. But I managed it. And I suggested to him the interpretation, or theory, or whatever it ought to be called, that Brant and I had worked out together. He listened, very quietly, with his hands coming together at the fingers—a trick that, for

some reason, has always maddened me. I haven't, I suppose, a deliberative mind.

"That strikes me as ingenious, rather than sound," he said. "One of the things we know is that this girl had an extraordinary power over Rice. It's by no means difficult to believe that he went to her, made his charges, and then was, against his reason, and by the power of his infatuation, led to a reconciliation with her. That he did, as the evidence seems to show he did, go to bed. That he then awoke, and in that sudden clarity of vision that sometimes comes to a man awakened from sleep, returned to the mood in which he had gone to her, denounced her, and made a gesture of departure."

"Do you believe that?" I said.

"Not necessarily. But—it is the way Galwey would be certain to interpret this so-called evidence of yours. I think even you will see that."

"But, damn it," I said, "you talk as if I were proposing to stop with what I've got—to take what I've found to Hunt and Galwey with some notion in my head that they'd immediately drop the theory of Mary Dugan's guilt! I'm not a fool, West, and you can't make me believe you've suddenly decided I am! I'll concede, if that's what you want, that this stuff I've got is like dynamite. I'll agree that to turn it over to Hunt and Galwey,

as it is, would be folly—I'll undertake never to give it to them if it turns out that I can't get more by following it up!

"All I want from you is a chance to talk to Mary Dugan—to find out from her, if she knows—and I'll swear she does—what it was that Edgar Rice heard from Juan Perez the night he was killed! And, by God, you've no right to refuse to let me do it. Unless—you—do you know yourself, now, of your own knowledge, what it was? Has Mary Dugan told you?"

He looked at me.

"I don't concede, mind you," he said, "your right to question me. But—I will answer that question. No. She has not told me."

"Then—if you won't do any more, will you ask her, now—to-day—to tell you? If you won't let me ask her, will you ask her yourself and tell me what she says?"

He said nothing at all for a moment.

"I will take that request into consideration," he said. "Not to-day. But—I will give you an answer as soon as I can."

And, with that, I had to be content. It was all I could get out of him, until he got rid of me, half an hour later, by having people come in to insist upon his attention to other matters. I say I had to be content. I was never less content in my life.

For I hadn't the slightest hope that he would do what I asked. I had come up against the immovable barrier of his mind.

Brant, when I told him what had happened, wasn't at all surprised.

"I was afraid of that last night, after you went back to see Ed Very," he said. "This is a tough baby, this West, Steve. Well—if he won't work with us, we'll have to work against him, that's all. What else did you get on Perez?"

I told him, and he shook his head.

"Too bad," he said. "Still, we've had about all the breaks we've had coming to us in connection with Mr. Perez's movements that night. We'd better be grateful that he left a plain trail as long as he did than kick because he began covering his tracks later. Also—we'd better take steps to uncover them. You needn't bother—I'll put Kearney to work."

Kearney was the only reasonably safe detective in New York. And he was safe because he had no organization. He worked alone. It limited his potentialities, but it made him, too, extraordinarily efficient within his limits. There were no leaks of any sort when Kearney went to work on a case. And in this instance there was just as much chance that Kearney could give us a complete and accurate account of Perez's movements on the

night of Rice's death as that an agency with a hundred operatives could do it.

"All right," I said. "I'm left at loose ends. I hate to say it, but I don't know what to do next."

"There's always Jimmy," said Brant, dryly. "You disappoint me about Jimmy, Steve—you really do."

"I disappoint myself, boss. But no one I've talked to ever heard of him. Mary Dugan doesn't seem ever to have mentioned him till she went utterly to pieces the night she found Rice's body."

"I know," said Brant. "And still—if you go far enough back in her life you'll find Jimmy. You did that with Rice—and you found out things about him his own wife didn't know, probably. How far back have you gone with Mary Dugan?"

Well, oddly enough, that cheered me up. Because the truth was that I hadn't gone very far, yet. Four or five years, when I came to reckon it all up.

I knew all there was to know about her since the time when she had begun to be glorified as an American girl in the Follies. But what she'd been, and done, whom she had known, before that, I didn't know at all. And it ought to be, it must be, possible to go behind the veil that seemed to hang over her past life. After all, she must, one day, have answered a call, and gone to the theater, and

shown herself. And she must have gone from somewhere—and to that somewhere she must have gone, in turn, from somewhere else, and so back to the day when she'd been born.

"All right, boss," I said. "I'll start in on her again. You're right, of course. I'm bound to strike Jimmy if I go far enough back."

That sort of job was just what I needed, too. I was getting too emotionalized about the whole thing; I was losing grasp, and perspective. I needed something that would discipline me, make me patient, force me to take one step at a time, instead of skipping around with great leaps and bounds. Intuition is a great thing, but it's got to be backed by something else, or it doesn't get you anywhere. Not in a job like this.

So I went up to the New Amsterdam Theatre, and finally, after starting with whichever of Ziggy's retinue of press agents happened to be in favor with him just then, and being handed along from director to stage manager to ballet master I wound up with a sad-faced little assistant stage manager. I took him out to a speak-easy and got him oiled, and then we went back and began hunting through dusty, moldy books and piles of records.

"Cripes!" he said. "One girl! What's one girl? Cripes—the girls I've seen coming here—the girls

whose photographs I've filed—the girls I've taken the addresses of—the girls I've seen showing their shapes on that stage! Girls! Cripes—I'm off women for life! Say—why didn't we think to bring back a quart?"

XI

SEÑOR PEREZ REAPPEARS

THE amazing thing was the ridiculous ease with which, once I got the first clew, I slipped behind the veil that hid Mary Dugan's past. It took three days, and more liquor than I could make you believe a man could drink, to make the first step. But then, finally, when I was about to give up hope, the little assistant stage manager let out a shout.

"Here you are!" he said. "Cripes—I remember now. Mary Dugan. Seemed like she didn't have a chance—she was too old. But she had a swell shape. And it just happened we was doing a tableau that year and we wanted a girl with good breasts—the kids ain't got any breasts, you see, nowadays. Flat-chested little tarts, most of them.

"So there was a lot of talk, but finally she got a job. And she made good. Right from the start. Mary Dugan. The boss said that name wouldn't do, so she called herself Mona Tree, and I guess she forgot it wasn't her name, pretty quick, like lots of them seem to. Here you are—Mary Dugan,

3344 West 44th Street. Roomin' house, probably. That what you want?"

It was, of course. So I thanked him, and left him, in an aroma of bad whiskey and burnt sugar.

I hadn't the slightest idea that I'd find any one at the address he'd given me who would remember Mary Dugan. But I did. The woman who answered my ring—she came to the door with that half defiant, half hopeful, look that the women who run rooming houses always seem to have—had had the house for ten years, she told me. She turned sullen as soon as she found I wasn't after a room, but a ten dollar bill helped. Why wouldn't it? If there's a harder way of making a living than that of women like this Mrs. Gray I don't know it.

"What's the game?" she asked me, when I asked her if she remembered a girl called Mary Dugan. "You a fly cop? Because, if you are you can take your ten dollar bill back to hell with you."

I told her I was a reporter, and showed her the cards a reporter carries.

"And it happens I'm trying to help the girl," I said. "So, if you've got a friendly feeling for her —why, so much the better."

"I'm sorry for all them that's in trouble," she said. "And the girl was a good roomer. She gave me no trouble. Never tryin' to sneak a man into the house, like lots of them—always ready with the

rent. It's all I ask—but it's seldom I get it, though it's not much, God knows, to be wanting."

Actually, Mrs. Gray didn't know much. Mary Dugan, at that time, had been a model—she had, that was, done some posing for artists. She had had a friend—Mrs. Gray didn't know who he was. She had been out a good deal at night—all night, quite often. But Mrs. Gray hadn't minded that. What her roomers did was their own business so long as it reflected no discredit on her house. She had had no callers. Mrs. Gray had no memory of her ever having mentioned any one called Jimmy. Yes—she'd got a lot of letters. From the same person, Mrs. Gray thought. At least, the writing had always looked the same. One a week, anyway. A lot! One a week, anyway! No. Mrs. Gray didn't remember the postmarks. No use saying she did. She'd probably never looked. Yes—she knew where the girl had lived before she came to her. In a house run by a friend of hers who'd gone out of the business—and she wished to God she could do the same this day!

I got the friend's present address, and took myself off. And so I went on, tracking Mary Dugan back to her childhood. Almost to her childhood. For, in the end, the trail was broken, as I'd always feared it would be. It was broken, and still I hadn't found Jimmy. Always there were the let-

ters. It seemed a safe guess that they had come from Jimmy. But, if there had always been that correspondence between them, if, at least once a week, she had had a letter from him, when, in Heaven's name, had she seen him? When had they had the passage of love from which had arisen the relation that had led to those letters, spanning all these years?

This was where the trail stopped. At the point where all signs failed I saw Mary Dugan a girl of sixteen, white-faced, thin, underfed, working in a department store. She'd been no girl of the streets then, God knew, living in sinful luxury on easy money. She'd been a child, harassed, beset by fears, earning barely enough to keep thin body and starved soul together. She had no friends, no kin. I had come to the place, at last, to which she had come from—no one knew where.

In that place, the one in which Mary Dugan first appeared in records of any sort available to me, she had lived as tens of thousands do in New York, in the knowledge that a single week of sickness would destroy forever her chance to win her fight to live and pay her way. Against disaster, illness, all the chances of life, she had had no margin at all. Not a dollar saved had stood between her and public charity.

I had gone, along the trail of Mary Dugan's

life, as far as I could go—as far, I was sure, as any one could go. And it hadn't helped one bit. The mystery was as deep, as profound, as seemingly impenetrable, as ever. Indeed, it was blacker than it had ever been before. Because, in everything that I had found, there was no trace of Jimmy, no clew to him, nothing to explain him and that wailing, harassed cry of hers as she sat looking at Edgar Rice's body and knowing, in her heart, as she must have known, with all that life, her life, had taught her, what her fate must be.

Even Hunt, you know, calloused though he was, and used though he was to a clinical consideration of emotion, had felt the tragedy of that moaning of Mary Dugan's. He'd talked to me about it, one time.

"I'm sorry for the girl, Steve," he said. "I've got my duty to do, and if my evidence sends her to the chair—well, that's what I'm paid for. But I'm hoping, if you must have it, and between the two of us, that she's got a case. I've small use, when all's said, for men like this Rice. It's all well and good to call a girl bad, but the sort of badness people mean when they say it takes two to make, and one of the two's a man.

"And she sort of got me, that way she kept moanin' the lad's name that must be her lover. 'Twas as if she'd wanted something mighty bad,

and now she'd lost it for good and all. They'll try to make out I was rough with her. I wasn't, Steve. Not the way I can be, and the way you know I've been and have had to be and will again. Nor was Galwey. She baffled him, for all he's like a doctor probing for a bullet when he asks his questions."

I could believe that, easily enough. Of course she baffled Galwey, as she baffled West, and me, and had baffled Dagmar Lorne and May Harris and every one else I had talked with who had ever known her. She had done, you see, the most mysterious thing a human being can do. She had actually, in the real, true sense of the phrase, kept a secret. How many people have you known who have really done that? Kept it so that it is proof against the deepest search, the most minute inquiry? Kept it so that no one knows the truth?

I knew, now, how Mary Dugan had lived from the time of what, for want of a better way of putting it, I may call her first appearance. She had gone to this low, cheap rooming house, in a side street off lower Seventh Avenue, a pale, anemic girl, with a job in a department store. I'd been able, too, to get track of her at the store; they opened the old records to me. She'd been an errand girl, a cash girl, at first; then she'd been promoted to work behind a counter; finally she'd achieved what seems to be one of the aristocratic

jobs in department-store salesmanship—they'd let her sell men's gloves.

And it was during this period, plainly enough, that a man had first come into her life. No—there could have been one before, young though she was! But it was almost certain that, at first, when she went to that rooming house, there had been none; that whatever affiliation she had made at that time had been made later. They remembered her pretty well at that house. The woman who kept it had liked Mary Dugan, and pitied her. Once she had let a dollar of the rent run over when the girl had been docked at the store, and had let her pay it off, a quarter at a time, in the next four weeks.

And she had known, by unmistakable signs, when a man had begun to be a factor. Mary Dugan had begun to be out at night till very late. She had bought a new coat, warm clothes, against the cold and wet of winter. They'd been able to see that she was eating more, for the dreadful pallor and the pitiful thinness had gone. Who the man was I couldn't find out; not once had Mary Dugan said a word, given a hint, that might betray him.

And so her life had gone on. More and more the evidence of men, and what they gave her, and the inference of what, in return, she gave them, was

plainly written on the record. And yet, so far as I could learn, she had always had a job; not once had she been simply a woman whom men kept. She had gone from the department store to a manufacturer of dresses, where she had been a model, and of that sort of work she had done a great deal. She had been in demand for photographic modeling, too, and a number of artists, painters and illustrators, had used her.

The story, as I pieced it out, was full of contradictions. I was constantly coming up against things not to be reconciled with one another, things I couldn't explain on any hypothesis that wasn't immediately destroyed by some new fact that I discovered. She had endured tremendous privation in the beginning. But, as luxury had become possible to her, she had accepted it. It didn't seem that sheer necessity, sheer fear of destruction, had moved her, so far as her relations with men went, at first. Yet neither was it plain that mere greed, a mere desire for comfort, had been the controlling factor later. Something was missing, some salient fact that would resolve all the mystery of her, that would reconcile everything with everything else. Again I had the feeling that had come to me so often since I had set out upon this case, of being like one trying to put the pieces of a patchwork puzzle together with a key piece

missing. If I had that I could arrange all the rest; without it nothing fitted.

But I had accomplished this much at least. Brant, when I made my report, admitted that I had, at last, satisfied him that I had done all I could to find Jimmy.

"All right," he said. "Nothing to do but to go on from there, Steve. You've done all any one could do. You hadn't, before. By God—how are we going to solve this thing, though, Steve? It gets me as no story I've ever known has got me. There's a story behind this as great as any ever told—I know it. I feel it. There's such a mystery as never was unfolded yet. We're stopped at every turn."

"How about Kearney? What's he done?" I asked.

"He's still at work. He's got to have time. I can see that. I'm letting him alone. If there's anything to find out that has significance about Perez's movements that night he'll turn it up. But he hasn't done it yet. Well—what's next?"

"The only one I haven't worked on yet is Mrs. Rice," I said.

Brant frowned, thinking.

"Ye-es," he said. "But—I don't see much hope there, do you? She's about the only figure in the case whose part seems simple, straightaway. We

know enough about her not to have much notion that she would have killed Rice through jealousy."

"Oh, I never thought that was even to be considered," I said. "And, anyway, Hunt turned up her alibi—he did go through some of the motions, you know. She wasn't well that night; her maid was looking after her most of the night. She couldn't have been the one who killed Rice."

"No," said Brant. "She's out. She's about the only one who definitely is. So—what do you think you could find out by looking her up, Steve?"

"I don't know," I said. "But, at the start, I worked out a sort of formula for this case. I started with the assumption that Mary Dugan didn't kill Rice, and that, therefore, some one else did. I started with that, of course, because unless I did we had no starting point at all."

"Right," said Brant. "I suppose it was a pretty big assumption, but we had no choice, if we were going into it at all."

"Yes," I said. "Well, I started with that assumption on a pure hunch. But I think it's been pretty well rationalized in my own mind since. Everything I've found out, everything I got from talking to the girl, has gone to make me more and more certain that she couldn't have done it—that it was psychologically impossible for her to have done it."

"Yes?" said Brant. "I'm not arguing with you —I just want to follow you."

"I mean—well, you can say of some people that certain acts are physically impossible for them. You know pretty well, for instance, the limits of physical strength—even when you allow for the way the limit can be stretched under excitement or fear. I've seen a man raise an ordinary car, for instance, after an accident, to help to get some one out who was pinned down—when, ordinarily, he couldn't lift it an inch without a jack. But, though I've seen his limits of strength extended that way, I still know he couldn't, no matter how urgent his motive was, lift a five-ton truck. That is absolutely, not relatively, impossible. That's what I mean about the psychological impossibility of murder for Mary Dugan."

"All right," said Brant. "Go on, then."

"Well, that's the basis of my formula—that Mary Dugan didn't kill Rice. For me that's become a fact, not an assumption. Some one did kill him. Some one killed him because of what he was or was not, or because of what he had or didn't have. So far as I've been able to discover he wasn't killed because of anything he was or was not. He wasn't killed, that is, out of revenge for actions growing out of some essential trait of his character.

"I bring it down to this—that he was killed be-

cause of something he possessed. He possessed three things that might have supplied a murderer with a motive—his money and two women. He wasn't killed, so far as any fact we can get hold of tends to show, for his money. His wife inherits that, and one of the few things we're sure of is that she didn't kill him. But he might—I mean, he may —have been killed because he stood in the way of some one who wanted either his wife or his mistress.

"I've combed this town and I've found no man who wanted Mary Dugan enough to kill to get her. There's Jimmy—yes. So I can't say there was no such man. But Jimmy, in her life, goes back for many years. Why, if he were going to kill a man to get her, should he have chosen Rice? Why didn't he kill one of Rice's predecessors? Any way I add up the facts I've got the answer isn't Jimmy.

"But suppose there is a man who loved Mrs. Rice? He would have had a motive for killing her husband. If he knew of Rice's relations with Mary Dugan, if he knew, I mean, that the woman he loved was bound to a man who almost openly slighted her for another woman, he had even more than a motive—he had provocation, what he might very well have thought of as justification. That's why I think I'd better look into Mrs. Rice."

"That's ingenious, Steve," said Brant. "This

case is doing something for you, old timer. You're acquiring subtlety. God knows it won't hurt you!"

"I don't know what good it'll do me on this sheet, either!" I said. "Any time we get subtle our readers don't know it!"

I ought to have known better than to say a thing like that. It touched Brant on the raw. I suppose Brant is the most completely intolerant man, in practice, I have ever known. He lives, practically all the time, in a small, isolated world of his own. He loathes crowds, contacts with people. He has less patience with what seems to him stupidity, slowness of mental perception, than any living man. And yet he has Lincoln's faith in mass thought, in true democracy. So, when he started after me I kept quiet and took it. There's no use in arguing with him, anyway, or trying to point out his complete inconsistency. The nearest I ever came to winning an argument from him on that score was once when he admitted that he'd never been able, emotionally, to accept what he had completely proved to himself intellectually. This time I didn't even remind him of that. I waited till he was done and went home.

It was, as it happened, a Sunday night, and warm. And there weren't many people about in my block. I live in a small hotel, that isn't pretentious at all, and makes me comfortable for less

money than I'd have to spend anywhere else, in one of the midtown blocks still pretty much given up to brownstone houses of the sort that used to characterize New York and no other city. As I walked westward I could see the glare of Broadway before me, and hear the drone of the town—that mingled din of cars and elevated trains and a thousand other sounds.

I was thinking about Mary Dugan and the death of Edgar Rice, of course—every moment that I wasn't definitely forced to think of something else found me doing that in those days. The thing possessed me; I was getting to be a monomaniac. And I was walking along mechanically, in a sort of waking dream, when something roused me. The whole thing was so swift that I don't know whether I had an actual inner warning of danger, or whether it was a sound or a movement beside me, heard or felt, that startled me.

In that instant, at any rate, there was a figure beside me, there was a flash of light on steel—and I was clutching Juan Perez by the wrist while a knife went clattering on the sidewalk at my feet. He fought like a wild cat; he bit, and scratched, and tore at me to get away. But, though he was strong enough in his wiry way, I had him beaten from the first. Not that that was much credit to me; I outweighed him by forty pounds I suppose.

It was an utterly, an amazingly, silent struggle. I cried out, I think, in my first surprise, but after that I was intent only on subduing Perez, and the last thing I wanted was for any one to come to my help—I'd rather have had him get clean away. And, as it turned out, it was all over in a minute or less, and I had his right arm twisted behind him in that deadliest, most agonizing, of wrestling holds —the hammer lock.

Once I had it, I relaxed it—held him, still, ready to renew the pressure if I had to, but ready, too, to let him get his breath.

"You're out for another murder, are you?" I said. For now I had no doubt that he'd killed Rice.

"Not another—no—" he gasped. He showed his white teeth in a snarl. He had courage, in his own fashion. "I would have killed you. Señor—you have won. I will appeal to you. Leave me—do what you call lay off. By the blessed saints, by the most holy virgin, I swear to you that I did not kill Rice as you suspect!"

"And you expect me to believe that—now? Then why should you try to kill me?"

I know this conversation, as I report it, sounds grotesque, must strain credulity beyond all ordinary limits. But I can't help it. I'm telling it the way it was, not the way it ought to have been to sound plausible.

"I will tell you that. Because you stand in my way. Because you threaten things that I would do. Because you are a danger to me. But not—not because I have kill Rice! Madre de Dios, that is true!"

"What made you think I thought you had killed him?"

He showed his teeth in a new snarl.

"I will not tell you—not if you break my arm!"

"No—but suppose I call the nearest policeman and turn you over for attempted murder?"

"Is your word so much better than mine, señor? I would say that you have attack me. And I—I have friends, even I, Juan Perez, the dancer, the gigolo! I think, señor, that I would what you call get off!"

I wasn't so sure he wouldn't, damn him. And, in any case, I didn't want Perez in jail. Not yet awhile.

"Listen, you rat," I said, "I'm not afraid of you. I'm not going to have you arrested. Not for this. But, before I go to sleep to-night, I'm going to write down all that's happened, and I'm going to take that knife, and in the morning I'll have the finger prints on it recorded—do you understand what I mean?"

"Sí," he said. "And then, señor?"

"And then—if anything happens to me, they'll

think of you first of all, Perez. If I'm killed by thugs—they'll try to find out if it was you who hired them. However I'm killed, they'll try to bring it home to you. The paper I work for is owned by men who have millions—and they'll spend every last cent that's needed to send you to the chair if anything happens to me. Now—get out!"

I let him go. Even then he leaped for the knife. But I tripped him and he went sprawling, and before he was up I had the knife, holding it gingerly by the blade. And when he saw that he turned, with a snarl and a torrent of Spanish imprecations, and made off.

XII

A SAINT ON EARTH

I'D told Perez the literal truth when I said I wasn't afraid of him. He wasn't, I was pretty sure, likely to have another try for me. Not now, when I was warned, and when any attack on me was sure to set the police—and, what was worse than the police, every agency the *Star's* money could bring into action—on his trail. And, anyway, my interest in what he had done transcended my fear. Because—if that attempt to kill me meant anything it must mean that he was afraid of me, that I was on the verge of finding out something that must be of vital importance.

As a matter of fact, of course, his attempt to kill me didn't prove that he had killed Edgar Rice. I had sense enough to see that, after the first minute, and Brant, when I told him about it, agreed with me. It proved something. But it was like most of the few absolute facts we had to work with in this mess. We didn't know which of two or three things it actually did prove.

"He wanted to get rid of you. That's a fact," said Brant. "He wanted to get rid of you because

he thinks you either have found out or are likely to find out, something he very badly doesn't want you to know. That's another fact. But that's all the facts we have. We can guess at what it is he's afraid of your finding out, but that's as far as we can go—guesswork. As usual. My God, I'd like to feel a little solid ground under our feet!"

I went to West with my story, of course, but I got nothing from him—not even sympathy. Not that I wanted that.

"H'm!" he said. "Well, Barrow, I don't condone murder, or even attempted murder. But if this Perez had finished you last night your name would have been one more added to a long list of people who've got into trouble by poking their noses into what wasn't their concern."

"It doesn't strike you, even now, that this makes what I told you before that I'd found out about Perez seem pretty important?"

"Nothing that has occurred has changed my views as to that," he said.

"And you won't let me see your client?"

He shook his head.

"I have no intention of having my client influenced by you to do anything that would jeopardize the success of my carefully worked out plan for her defense."

"Have you asked her what Rice told her Perez had told him the night he was killed?"

He seemed to weigh his words before he answered that.

"Barrow," he said, then, "I have no information to give you. What Miss Dugan has told me rests in confidence between us, and I see no reason for me to divulge anything she has said to you. If you will give as much thought to understanding the exact meaning of my words as I do to making them clear you will see, I think, that that implies an answer to your question. If Miss Dugan had told me anything calculated to modify my views as to your theory, I should not hesitate to confess my error. That's all I can say."

"I wish I could absolutely believe that, West," I said. "Look here, man—what's happened between us? I don't want to quarrel with you. We started out as friends. Why have you turned against me?"

"I haven't turned against you, Barrow," he said, wearily. "I have no sort of feeling for you or against you. I have undertaken this girl's defense, and that is my one and single and undivided concern."

"But it's mine, too," I said. "And the thing I can't believe, West, is that you've the right, with a

human life at stake, to close your mind to anything you don't yourself originate."

"I have not done that, nor shall I," he said. "I am prepared to change my course at any moment if I am convinced that I have made a mistake."

"But is it possible to convince you—that's what I'm getting at? It's for a chance I see to convince you that I want to talk to Mary Dugan—"

"We're wasting time with this sort of talk," he said, then. "I'm sorry, Barrow. I feel no hostility toward you, I don't want to seem lacking in courtesy. I've listened to you patiently. But I simply have not the time to do so any longer."

I had to let it go at that. I told Kearney what had happened, and he told me what he had, so far, been able to discover about Perez's movements on the night of the murder. It didn't come to much.

"The best thing I can say is that it's still an open question—at least, I haven't found out yet that he's got an alibi," said Kearney. "But that doesn't mean he hasn't got one."

At that, though, Kearney had done good work. He'd been completely beaten in every attempt he'd made to pick up Perez after he left the Club Printain for the second time that night. So he'd started from the other end, to work back toward the moment of his departure. And he'd found out that

Perez had come in about four o'clock that morning —at his own place. He'd been living then at a ratty little hotel west of Broadway, in the fifties, and Kearney hadn't had any trouble in finding out all they knew about him there, which wasn't much. He'd moved, incidentally, a few days after the murder, and was living in great style now, in a furnished apartment, with a Japanese servant, and he had been replenishing his wardrobe, too, and getting a lot of jewelry out of pawn—like many Latins, he went in heavily for rings and scarf pins and such trinkets, and he had two or three expensive wrist watches—gifts of women, probably, most of those things were.

"I'll cover his whole night before I'm done," said Kearney. "But it's not easy. Right now I've worked back to three o'clock—and he was eating in Childs Fifth Avenue place then, all alone."

That was that. Perez was no longer my responsibility, in any event, and Kearney was as likely to wash up that end of the job as any one.

And so, with very little delay, really, as a result of Perez's attack on me, I went on with what I'd told Brant I was going to do next—an attempt to find out what I could about Mrs. Rice.

Substantially I followed the same technique that I'd employed in my similar attempts to trace out the life stories of Rice, and Perez, and Mary

Dugan. But to say that is really utterly misleading, because each job was entirely different.

No one who knew Mrs. Rice wanted to talk about her, of course. She was, you see, the one wholly sympathetic figure in the case, from almost any point of view. Not, as a matter of fact, from mine, but from that of almost any one else. I, myself, am not disposed, as a rule, to waste much sympathy on women whose husbands turn to the consolations of purchasable love. I know you can't safely make rules about things like that; I suppose, as a matter of fact, my attitude arises as much from my refusal to accept the common view, that the man is always wrong, as from any real feeling that the wife is always to blame. One flat statement is as ridiculous as the other.

At any rate, however that may be, and whichever, in this case, was responsible for the breach of which, in all probability, Rice's liaison with Mary Dugan had been a symptom, not a cause, I was clearly up against the fact that all of the people who knew Mrs. Rice were likely to sympathize with her and certain to resent any inquiries I might make.

I started with my old friend George Martin, the night hall boy in the house in which Mrs. Rice still lived. And with him I was perfectly frank.

I told him exactly what I wanted to know, and why.

"I see, sir," he said. "Well, sir, if you'll pardon the liberty, I think you won't find out anything that will be of any help in connection with Mrs. Rice. We all think of her as a saint on earth, sir."

"All right," I said. "Why?"

"Well, she was always kind and thoughtful and considerate, sir. Ladies aren't, always, especially rich ones. But all of us here in the house always found her so, sir, and the servants in the apartment were always fond of her. You get to know a lot about the tenants in a house like this from the servants, sir. I don't mean just gossip, sir."

"I see," I said. "And that's your impression of her, is it?"

"Yes, sir. She was a true wife and a devoted mother if ever I saw one, sir."

I liked the way George, when he had an idea, put it across. No groping for words, no uncertainty. He had a memory stocked full of phrases that he'd read that fitted every idea he was ever likely to have. It saved a lot of time. I asked a few more questions, but George knew nothing of any use to me. But, of course, I hadn't expected to find out from him that Mrs. Rice had had any regular caller, or anything so obvious as that.

I never did, to cut it short, succeed in getting any such store of information about Mrs. Rice as I had amassed, without any real difficulty, about the others. For one thing, of course, I didn't have access to her friends and acquaintances; the Rices had moved, and Mrs. Rice, to the extent that her mourning permitted, still did move, in what the *Star* loves to call the best circles. I dare say I might have picked up some crumbs of information if I'd had the run of the Colony Club and the meeting places of the Long Island crowd, around Westbury—the Rice summer home was down there. But I didn't.

The best I could get was that most of the people who had known the Rices had thought of them as a perfectly contented and reasonably devoted couple. Rumors of Rice's affair with Mary Dugan had been getting about; there'd been talk about him. But, seemingly, if Mrs. Rice had known about it her friends hadn't known that she did, and there'd been, I suppose, the usual conspiracy of friendly silence. And certainly I came upon absolutely no hint that any one had ever so much as suspected her of taking any interest whatever in any man other than her husband. Nor that any man had been interested in her—which would, as a matter of fact, have been enough to bolster up the theory I was—well, I didn't exactly think

some man had killed Rice because of his love for his wife, but I'd been prepared to develop such a theory, in Mary Dugan's interest, if I'd come upon any facts at all to make it tenable.

I gave up my attempt to come at anything through Mrs. Rice the day before the trial of Mary Dugan was to begin, and I went down to the shop to tell Brant so feeling about as low, as hopeless, as utterly depressed, as I ever had in my life. I'd lost all confidence in West. I'd seen enough of Galwey and Hunt, I'd heard them do enough talking about the case, to be deeply and wretchedly affected by their absolute certainty of the strength of their case against her. They hadn't blustered at all, you see; there'd been none of that loud talking to convince themselves that I'd heard them both do before—Hunt more than Galwey, to be sure, but Galwey, too, on occasion. They were just quietly, menacingly, sure of themselves and their case.

"I see," said Brant, when I told him what I had to report. "Well, I never had much hope along that line, Steve. Your theory was all right. That's been our trouble right along. We're long on theory. We've got Hunt and Galwey beaten all along the line when it comes to theory. But —they've got the facts. And—well, I've got another wallop for you."

I looked at him.

"I suppose Kearney's established an alibi for Perez?" I said.

"To all practical intents and purposes—yes," said Brant. "He doesn't believe it, and neither do I. But a jury would—and that's what counts. Perez can prove, if he has to, where he was that night. He's got a girl who'll swear he was with her—a girl May Harris was jealous of. It—well, it fits in very nicely. It's just the sort of alibi Juan Perez would have."

It didn't make me feel much worse, hearing that, as a matter of fact. Nothing I'd heard at that stage could have done that. I'd touched bottom already. Or thought I had. That's always a foolish thing to think. There are very few things so bad that they couldn't be worse.

Suddenly Brant laughed his high, nervous, utterly maddening laugh.

"Well—by God!" he said. "We look like a pretty pair of damned fools now, don't we, Steve? But we might as well remember that we're still being paid to get out a newspaper. And in the morning we start covering the trial of Mary Dugan."

I stared at him. It may seem incredible, but that was the first time I'd faced it—that, naturally, I would be the man to cover the trial. Who

else? Feeling as I did I was going into that court room in the morning, and take my place at the press table, and every day, for as long as the slow, torturing business dragged itself out, I'd have to write about Mary Dugan, impersonally, coldly, truthfully.

XIII

TWELVE GOOD MEN AND TRUE

I WAS in court that next morning, bright and early. I've covered fifteen or sixteen murder trials, of varying importance, in various places. And, to the extent that I'd thought of it at all I'd supposed, I think, that the familiarity of the routine, the utter, drab resemblance of one such case to another, would be of some help to me. But it wasn't. There was too much, it turned out, to offset all that.

To begin with there was the attitude of the rest of the crowd. They were unanimous.

"It's a question of the jury—everything else is set," said Cameron, of the *World.* "This case is going to be settled right at the start, when they pick the jury. If Galwey gets a gang that's willing to burn a woman—good night! West's got his one chance right now. If he's a better mind reader than Galwey, he wins. If he isn't—well, he might as well fold up his papers and go home. Once the first witness is called it's all over but the shouting."

I didn't say anything. I couldn't. I couldn't

argue, and I didn't want any of this hard-boiled crowd to know how I felt, anyway. It wouldn't do any good, and it would just make the whole wretched business that much harder to go through with. I just listened. They all agreed with Cameron. I would have myself, ordinarily. Not that that made it any easier to listen to them. The women were the worst, of course. Seemingly they were all down on the girl; for a wonder there wasn't even one sob sister who was definitely there to make an appeal for a woman prisoner in the stuff she wrote.

Entirely regardless of the evidence, the cards, as it happened, were stacked against Mary Dugan; Galwey was using what you might call a cold deck. Opinion, in this supposedly stable, unexcitable country, and especially, I sometimes think, in a theoretically sophisticated city like New York, always does run in waves and cycles that have what the weather sharps and other scientists call a definite periodicity.

For years there was a real feeling in New York against the electrocution of any woman. And it got back by something that any psychologist will tell you is, if anything, even more certain in its results than a strong moral conviction—that is the certainty in people's minds that a thing can't happen. It was the certainty people had that

A Metro-Goldwyn-Mayer Picture. *The Trial of Mary Dugan.*

MRS. RICE, THE WIDOW, TELLS THE COURT THAT MARY RECEIVED GENEROUS

prohibition would never really happen that enabled the drys to put it over; it's the certainty that a constitutional amendment, once enacted, can't be repealed that's their biggest asset to-day in their fight to keep it.

I think that, in the past, in New York and other places, a lot of women killers have been acquitted simply because of the tremendous, unseen force of the public certainty that the jury would not send them to the chair or the gallows; women who, except for that, actually would have been found guilty. District attorneys used to feel the weight of that opinion just as much as juries did; try as they would they couldn't, as a general thing, make their prosecution of a woman seem anything but perfunctory, something they were doing so that they could say they had done their duty.

How often, in your memory, before Mary Dugan came to trial, had the district attorney of New York County himself tried a case in which a capital charge against a woman was concerned, as Galwey now meant to do? Nearly always the work was left to an assistant; the district attorneys themselves hadn't cared to risk the loss of prestige an acquittal was bound to bring.

But the times were changing. The long, old precedent against sending a woman to the chair had been broken twice of late, and once, by a

coincidence of which the crowd at the press table made the most, as we sat waiting for court to open, in this very room. No. If Galwey could prove his case against Mary Dugan she stood very nearly the same chance of paying the final penalty as a man in her place would have done; I wasn't sure, indeed, that the odds of sex were not a little against her. Cameron was right; with matters as they were, with the mystery of the truth about Edgar Rice's death as deep as ever, everything might well depend on the outcome of the battle West and Galwey would, in a few minutes, begin to wage over the filling of the jury box.

And I didn't dare to rest much hope on the girl's power to move men. She had it, Heaven knew; her whole life had gone to prove that. Her power over men had ruled it; it had brought her here, into the very shadow of the grim, gray walls at Ossining. But would it serve her now, with the men who, soon, would fill the empty, yawning box of the jurors? I doubted it.

There would be, in this new state of public feeling, a strong resistance set up in them against her very charm, her beauty. They would be steeling themselves against her from the first. All that, in a time just a little past, would have moved them, was only too likely now to count against her. They would suspect every natural grace and

gesture that she had, they would think them calculated moves designed by a cunning, a shrewd and unprincipled woman, to distract them from the performance of their duty. And how Galwey would know how to play upon that fear the jurors would be feeling!

Galwey came in, settled down at his table with Madden, the assistant he was keeping with him; made a great show of going over papers and exhibits. He looked quietly confident, very much at ease. There wasn't anything of the man hunter about him. Galwey, anyway, doesn't look like your picture of a district attorney; there is nothing of the politician about him. He hasn't that queer, indefinable look most criminal lawyers do have.

In my eyes, that morning, he was incredibly full of menace just because there was nothing threatening about his manner. He wasn't afraid of the outcome, you see, and the man, in any sort of fight, who isn't afraid starts with an enormous advantage. He didn't look like a man who was about to try a woman for her life. He might have been coming into court to argue some suit over a patent, he might have been any prosperous, clean-cut business man, prepared to take the events of an ordinary day in his stride.

In a sense that was exactly true of him, too,

and it was one of the things that scared me. Galwey, as a matter of fact, had become district attorney much more through a series of rather unrelated events than because of any definite ambition of his own in politics. He'd been counsel for some civic bodies; more or less by chance he'd turned up a scandal that had become a major issue in a municipal election; he'd seemed the logical man for the reform crowd to name for district attorney, and I think he'd taken the nomination because he hadn't the slightest idea that he could be elected. But the campaign had taken a surprising turn; Galwey and practically the whole reform crowd had been carried in.

He'd made an excellent prosecutor, too; fearless, fair, competent. He had a really first-class mind, and the sheerly technical part of the job had proved stimulating to him. And, by now, being human, he'd succumbed to Milton's last infirmity of noble minds, the desire for fame. He wanted—small blame to him—to be governor. And he saw before him a chance to strike a blow in behalf of that ambition here and now.

He came over, after a few minutes, to chat with us. He looked like an eager boy, spare, fit; he had the fine, clean build of an athlete. He was in his early forties, but didn't look it; he still had,

and it lighted up his eyes and his whole face now, a boy's enthusiasm.

"Well, there's one thing—we'll have a trial and not a vaudeville act," he said. "Thank Heaven for it! West's a gentleman, and I'd rather have Nash try a case than any man on the bench. He won't let either West or me get away with anything, and you know often he's been reversed in the Court of Appeals. Any evidence he admits is in to stay."

All of which was very true. Nash was a good judge.

There was a great crowd behind the rail. The usual morbid women had appeared; I think women were far in the majority. I saw Hunt, and Captain Price, the finger-print man, who were, of course to be witnesses, but no other figure of any importance. But there was no reason for any prospective witness to be there, because there wasn't one chance in a hundred that a jury would be chosen this first day. Not when you take into account the ease with which both sides can get jurors excused for cause even before they begin using up the peremptory challenges the law allows.

West came in, alone, carrying a brief case. He looked older than Galwey, and, I thought, tired and worn, and he certainly lacked completely Galwey's air of quiet confidence. He looked like a

man with his back to the wall, in fact. I could see the two of them together, as they stood chatting for a minute after they'd shaken hands, and the contrast between them wasn't reassuring. It sounds like a small thing, but it worried me to see how much better an appearance Galwey made.

I suppose West's tailor was as good as Galwey's, but Galwey wore his clothes better. He had the well-turned out, immaculate look that does impress the average man or woman. I don't mean that West's appearance wouldn't have passed muster anywhere, but just that, beside Galwey, he didn't look, somehow, quite up to the mark. And these things are important, no matter what any one says. They affect juries, inevitably. They may sound trivial, but they aren't.

All the time, now, people were coming in. The clerk of the court was busy with various lawyers, taking papers that were to be filed. Policemen and court attendants straggled in. The tension was growing. Until, at last, there was a sudden stir; we were all on our feet at a swift, sharp rapping; Judge Nash came in and sat, as the droning call sounded: "Hear ye, hear ye, hear ye. All ye who have business draw near, give attention, and ye shall be heard."

And then they brought Mary Dugan in.

I couldn't look at her at first, as the heavy gate

of steel bars swung open and she came, a detective walking beside her, guarding her. I felt that I'd betrayed her, failed her; that she had trusted me and I had not been worthy of that trust. But, in a minute, I pulled myself together.

She wasn't wearing black, and there was a murmur among the women at the press tables because she wasn't. She was dressed as, I imagine, she always had been dressed since she'd been able to do as she pleased, in a simple gown of the latest fashion. It happened to be blue, a color that became her, with her pale, silvery beauty and her strange, almost transparent look.

That cheered me, somehow—that she hadn't, that West hadn't made her, have recourse to the customary gesture of a woman on trial for murder. She had chosen to be, to look, herself. And, as I let my eyes search her face, I began to see how true that was in every way. She didn't show fear, or horror, or dismay. She didn't look humble, and beaten, and appealing. There was nothing like defiance in her look, either; there was just acceptance, interest, something of wonder.

She lacked altogether that look of West's; her back was not to any wall. And, for that matter, the sight of her seemed to brace West up. He rose, as she came in, and went to meet her, and led her to the chair that had been placed for her

beside his own. And there was an old-fashioned, courtly grace about his manner to her that I liked better than I had liked anything I had seen of West since that first day, down in the old court in Mott Street, when he had told me of his wish to defend her. It was as if, seeing her now, he had captured again, for a moment at least, the attitude of mind and heart that had ruled him then. For all his business suit, the rigid, colorless uniform of the modern man, West, in that instant, might have been some knight in armor, chivalrously come to the rescue of a woman in distress.

Swiftly, remorselessly, now, the grim, ugly business began. The formality of arraignment was completed; they set to work at the slow task of choosing the jury.

All that day it went on. It was an endless repetition, as it nearly always was, of a quickly established routine. And more than ever, in this case, was that true. The first few talesmen served to show the lines both lawyers meant to follow. And there was no doubt at all that here, at the very start, Galwey scored, and scored heavily.

It wasn't strictly true, of course, but what, very cleverly, Galwey made seem to appear was that the state didn't care what talesmen filled the box as accepted jurors. You might have believed, you almost did believe, that Galwey would have ac-

cepted the twelve who came first. Provided, always, that they could have told him, convincingly, that they had no feeling against capital punishment, that they would not be moved by any aversion to sending a woman to the chair.

It was West, not Galwey, who had to do most of the sifting, whose questioning of each prospective juror took up the time. I didn't blame West for that; he couldn't help it. And I had to admire the subtlety of his examinations, the skill with which he avoided the necessity of using up his peremptory challenges by leading men he didn't, for any reason, want in the box to disqualify themselves. He was on his own chosen ground in this sort of fighting, and if he was forced to let Galwey carry off the sympathy of talesmen and audience—including the reporters—he did, so far as I could gather, get the sort of jurors he wanted.

He wanted, I could see, patient, slow-minded men. He wanted men who weren't engaged in occupations that would make them too eager to be done with this case of Mary Dugan. And he wanted, it seemed to me—and I thought wisely—men so far removed from any sort of resemblance to Edgar Rice that they wouldn't be likely to put themselves, in considering this case, in his place.

To Mary Dugan's own feeling about a juror he

always deferred. Always, before he made his final decision, he consulted with her; sometimes by means of a whispered conversation, sometimes only by an exchange of glances, with a nod or a shake of the head from her for the last word. Five times that shake of her head, on the first day, resulted in a peremptory challenge.

Seven men were in the box when, late in the afternoon, court was adjourned. Good progress, on the whole; better than I or any of us at the press table had expected.

"Good," said Cameron, yawning. "They ought to begin getting on with it to-morrow. Crïpes—I hope they clean this up in time for me to get off next Saturday on that new liner that's going on her trial trip! I've got that assignment promised as a vacation—if this trial's over!"

XIV

MARY DUGAN TO THE BAR!

THEY filled the jury box the next morning, just before the adjournment for lunch. I'd known they would, but there was something appalling, none the less, about the sight of those twelve men, sober, a little scared, sitting there, staring solemnly at the girl whose life was in their hands.

A moment comes, I think, in every murder trial, when the frightful reality of the thing comes over you in a sudden sweep of terrible comprehension. But never before had I had that feeling so strongly as in the moment when the last of the jurors who were to try Mary Dugan for her life was accepted, and a great sigh of relief and anticipation passed through the dingy court room.

We haven't, in America, the stately pomp, the panoply and pride, of courts as they are held in the older countries of the world. We lack the wigs of England, the black gowns of the Latin countries. Save in the room of the Supreme Court in Washington we don't make our courts impressive to the eye and ear. We are informal, matter

of course; our acrid mirth is always breaking out, that terrible American laughter that really borders on hysteria but never sounds as if it did.

We allow, even in so solemn and terrible a business as a trial for murder, the most grotesque anachronisms. We lack, as a people, I suppose, respect for form and tradition and ceremonial things. We must be afraid of them, and the way they can hamper a real search for truth. And yet, in a crisis, in such a crisis as this whole case of Mary Dugan had come to now, we can impress.

For me, at any rate, and I think for many in that dingy court room, the issue became, in that moment, a starkly naked thing, terrifying as it forced you to face it. I forgot that Judge Nash, on the bench, was a small, wizened man, full of nervous mannerisms. He sat there, somber in his black gown, and you saw just his head and shoulders, and he wasn't a man at all, but justice, stern, implacable.

And Galwey, too, had grown in stature. He, too, had ceased to be a man, and become, mysteriously, an officer of the law, the great, unbending, timeless law that was as old as the world. The men in uniform, grown tense and alert, had lost that queer, fantastic look policemen have when they may not wear their hats; they had dignity, power, authority. They would lose it, I knew; for all the

grim work that was to be done gusts of laughter would sweep through the court; Judge Nash would have to pound for order, querulously, and threaten to clear the room. All the usual show was going on, as it always had.

But, just for that moment, there was austerity, a stark and dreadful simplicity, that silenced speech and stilled all movement, so that it was startling, it was almost as if some loud noise had come to break the stillness, when West leaned over, comfortingly, reassuringly, to pat Mary Dugan on the shoulder. And then it was gone. Nash was saying, in his ordinary thin, conversational voice, that court stood adjourned until two o'clock; we were all on our feet; Mary Dugan, after a minute, was being led away. And I was listening to Cameron and the others as they appraised the jury, speculated upon the real outcome of the battle of wits that Galwey and West had waged over the filling of the box.

And then, at last, after lunch, they were ready to begin the trial of Mary Dugan. They brought her to the bar to plead, that formality the law requires, even though the law also forbids one whose life may pay the penalty to plead guilty. And she made her plea in a clear, low voice, and went back, and sat down, beside West, and stared at Galwey, who had risen and stood, now, facing Nash.

"May it please the court—" said Galwey.

"Just a moment, Mr. Galwey," said Nash, interrupting him. "There is the matter of sentencing Pauline Agguerro."

Galwey gave a start; turned, then, with a nod, and sat down. A man came toward him from the back of the court and leaned over, speaking to him in a low tone; he was Bifano, Galwey's famous Italian assistant, who had tried the Agguerro case. I sat still, sick with horror and dismay. Again I couldn't look at Mary Dugan, for I knew what was coming, and she did not. Here, it seemed to me, was an unnecessary turn of the screw.

Through that same door of steel bars that had opened a few minutes ago to admit Mary Dugan another woman came. An Italian woman, young, pitiful, frightened, a shawl about her shoulders, shuffling along on feet encased in shapeless shoes. A young Italian lawyer, coming like Bifano from the back of the court, joined her, pity and compassion in his eyes. And they made her stand before Nash, at whom she looked dumbly, like some patient, suffering animal.

"Pauline Agguerro," said Nash. "You have been convicted of killing your lover. Your trial was eminently a fair one, and I have been unable to find any mitigating circumstances. The sentence of the Court is that you be taken hence to

the prison for women and be placed there in solitary confinement and that, during the week of August seventh you shall be taken thence and put to death in the manner prescribed by the laws of this state."

I was looking at Mary Dugan then, and I saw the horror in her eyes, and the quick snatch she had to make for breath. And then I looked at the other. She stood, her expression unchanged, still staring at Judge Nash, as though she expected him to say more. Her lawyer glanced at her; turned, then, to the judge.

"May it please the court," he said, "this woman does not understand English. With your honor's permission I will tell her."

Nash nodded, impassive. And, dramatically, with the instinct of his race, the young Italian lawyer told that woman she must die. Slowly understanding came into her eyes. And then she screamed as I have heard horses scream in a burning barn. Again and again she screamed, until they carried her out, still shrieking, fighting, pleading. And, even after the great steel gate had clanged behind her we heard her screaming.

Nash glanced at Galwey, nodded.

"Now, Mr. Galwey," he said, "we are ready, I think."

And Galwey, very quiet, very sober, rose, with

his, "May it please the court—" ready on his lips.

He spared Mary Dugan, and all of us, the oratory he might have employed, the sort of florid speaking that, only a few years ago, used to be thought obligatory at such a time. His opening address was short, and to the point. He was no orator, Galwey, and he had sense enough to know it, and to know, moreover, that in this case the tongue of a Demosthenes would have been wasted, on whichever side it had been used. For here, you see, it was made plain already, was to be a trial of facts alone, and not of motives and justifications and extenuations. Upon that much Galwey and West were agreed; they had simplified the issue to the utmost.

It wasn't a speech that Galwey made to the jury—and to the vaster, unseen jury beyond the courtroom walls, through us, whose business it was to record his words, that jury that aids, by the sheer weight of its mass thought, in the deliberations of every panel of twelve good men and true. Rather, he stood there talking to those men, as though they were his valued friends.

"We are here," he said, "in the matter of the People against Mary Dugan. The People against Mary Dugan! That is an old phrase, a common phrase. I've heard it so often! The People against Harry K. Thaw, the People against Charles

Becker, the People against Pauline Agguerro—and now—the People against Mary Dugan. But, gentlemen, that phrase is not just a phrase, not just an ancient, prescribed form of words. It has a living meaning.

"We are the People of New York—all of us, you, I, all who are in this court room. And, that we may live in safety, and peace, and in the free enjoyment of all that belongs to us, we, the People, have made laws. The People are for those who obey those laws—they are against those who break them. It must be so.

"And, for the greater part of Mary Dugan's life the People have been for her. They have protected her from harm. They have helped to educate her. They have safeguarded her health. They have forbidden any employer unduly to exploit her, or cheat her out of her just due. But—she has broken the oldest, highest law of all. She has killed! And for that the People are against her!

"And, because they are against Mary Dugan, the People have turned to me, whom they have chosen as one of their servants, their agents, to represent them. Another law, which I must obey, as this woman has disobeyed the one that forbids murder, commands me, in the People's name, and as their representative, to look into the charge

against this woman, and, if I deem her guilty, and can persuade a Grand Jury to believe that there is a reasonable assumption of her guilt, to bring her here for trial. This I have done.

"But the People are not willing to leave so grave a decision as one involving life and death to me, or to any other single man. So, of themselves, they order that twelve shall be chosen, to hear and weigh the evidence, and upon it to render a true verdict. And it is you, gentlemen, who are the twelve men of the People upon whom there rests this burden of responsibility.

"And, even though the People are against Mary Dugan now, they are jealous of her rights, and they have set Judge Nash upon the bench to see that her rights shall be in every way protected, that she shall have a fair and honest trial, that I, in my zeal, do not overstep the bounds of what is right and proper."

He stopped for a moment. I could see how he had held the attention of the jury. West, smiling a little, was leaning toward Mary Dugan, reassuringly. But she was intent upon Galwey. And now Galwey was going on.

"So much for that," he said. "The People against Mary Dugan means what I have said. And now—why are the People against Mary

Dugan? It is that which it is my duty to prove to you.

"And what I shall prove is that on the morning of April the eleventh of this year Edgar Rice, a man of great wealth, was stabbed to death by Mary Dugan, whom he knew as Mona Tree, and whom he had, for a year, maintained in luxury in the apartment in which he met his death.

"Gentlemen, I have never come with a heavier heart to the performance of a duty than I do now. For Edgar Rice, the victim of this woman's jealous rage, was my friend. I knew him well, esteemed him, respected him. I had no suspicion of the double life that he was leading. None knew of that secret and ignoble life he shared with this woman. For the sin of that he has paid a terrible penalty.

"I shall prove to you that this woman, Mary Dugan, had, for some years, under the name of Mona Tree, been an outstanding figure in the Follies, and that, during that period, she had lived a loose and immoral life. I shall prove that it was she who encouraged this man in his sin, and dragged him down from the high place he occupied to his shameful death."

Again he stopped. He turned to his table. Then, as if by an afterthought, he turned back to the jurors.

"It is not for me to lay before you, in all its shameful details, the sordid story of this crime. That will be done by witnesses, testifying upon their oath. But one word of warning I must utter first. Let me set you on your guard against this woman's youth and beauty and her terrible charm. Gentlemen—for you and me this woman is not, cannot be, different from that screaming wretch who was dragged from this court before your eyes a few minutes ago. She has earned, she deserves, no more, no less, at your hands than another jury had for Pauline Agguerro."

He was done. Mary Dugan sat still, staring at him. Slowly she shook her head, in a sort of wondering negation, a denial of that terrible arraignment, so infinitely more deadly because of the dispassionate calm of the man who had uttered it.

"Call Dr. Welcome," said Galwey, sharply. And the flat voice of the crier echoed him "Dr. Welcome—Dr. Welcome!"

So the trial began, with the formal evidence of death and cause of death from old Welcome, the medical examiner—he had been coroner's physician, years ago, when that vermiform appendix of jurisprudence still survived in New York county.

And then, at the very start, we got a chance to see West in action. For Galwey's next witness was James Madison, the night elevator man at the

Park Gardens, and through him Galwey sought to disprove, before it was told, Mary Dugan's statement that she had gone out, on the night of the murder, and come back to find Rice dead.

The colored boy made a good witness, slow and sure and painstaking in his answers, and utterly credible. I hadn't been able to talk to him during my own investigations; the police and Galwey had kept him well covered until I reached a point that made talking with him seem unnecessary. I suppose that, if one hadn't known both the outline of Galwey's case and the general nature of West's planned defense, this particular skirmish between the lawyers might have seemed trivial and almost irrelevant. But, for me, at any rate, it was highly significant, and I was intent upon every word.

(I am not, I may say, trusting to my memory in what I write; Brant had arranged for a transcript of the evidence to be supplied to us by the official stenographer, and the whole record is before me now.)

From the start James Madison was a deadly witness from Mary Dugan's point of view, made so by his very simplicity. Galwey began formally by establishing that he knew the girl, and that Edgar Rice—he had known Rice as Mr. Tree—had been a regular visitor to her apartment. And

that line of questioning brought out one of those fatal answers that, no matter how swiftly it is expunged from the record, persists in a jury's mind.

"Did she have many callers?" Galwey asked.

"No, sir. Just the one gentleman."

"And who was he?"

"The gentleman she killed."

West was on his feet, but Nash was before him.

"Strike that out!" he said, sharply, and turned, with a frown, to the jury, as if in admonition.

"You mustn't say what you think, James," said Galwey, smiling, "only what you know. And, of course, you don't know that she killed him, do you?"

As James hesitated West rose.

"Your honor," he said, "I ask that the witness be instructed to answer that question yes or no."

"The witness will answer yes or no," said Judge Nash.

"I withdraw the question," said Galwey, instantly. But Nash sustained West's swift protest; ordered an answer. The negro boy sat still, blinking at Galwey.

"What did you-all want to know?" he asked, and a smothered laugh ran through the court. Damn them—couldn't they see that this wasn't a game, a fencing match between two clever lawyers? Couldn't they realize that life and death

hung upon such points as this? I hated them; I hated every one in the court. Most of all, I think, I hated West, for I had a vision of the whole trial become a matter of just such quibbling, and more than ever I was convinced of the futile folly of his course. The stenographer repeated Galwey's question. "You don't know that she killed him, do you?"

"No," said James.

And Galwey, undisturbed, for all West's pleased, nervous grin, got on with it. He established, just why I didn't then know, the habits of Mary Dugan and Rice about coming in; got laughter from the willing crowd because James told of how little either had ever said to him—just, it seemed, 'Good evening, James.' Then he brought James to the evening of the murder, had him tell how Rice had come—alone, not with Mary.

"What did he say to you when he stepped into the elevator that night?"

"That's one time he didn't say nothing at all."

"Was he smiling? Did he look pleased—happy?"

"No, sir. He looked kinda ugly."

I saw Galwey's point then, right enough. And West flashed a look at me, as if that confirmed the wisdom of his refusal to make use of my discovery of Perez's visit to Rice earlier that night. Now

Galwey switched from Rice to Mary Dugan, after learning that James had never seen Rice again, alive or dead, after he had let him out at Mary Dugan's floor. And what he sought to establish, and, so far as James could help him, did establish, was that the girl hadn't left her apartment at all that night. James was sure she hadn't; sure she hadn't gone either upstairs or down in his elevator. That was all Dugan wanted of him.

Now, for the first time, West rose to cross-examine. And his whole tactical scheme was revealed in the way he did it. He was as quiet, as suave, as Galwey himself. And all he tried to do was to show that Galwey hadn't proved his point. He didn't assail James's credibility, he didn't attack, really, Galwey's contention. He just tried to show that Galwey hadn't been able to eliminate all doubt. And he did it in one question. First, James insisted that Mary Dugan couldn't have gone up or down, in or out, without his knowledge.

"But," said West, "if you had been at the top she could have walked downstairs without your knowledge, couldn't she?"

"I never thought of that," said James, and scratched his head.

"And that is equally true in regard to her return?"

"Let me understand you good—" said James. "You mean could she have went back into the building without my seeing her?"

"Exactly."

"Well—" James was reluctant, unconvinced. "Well, she could have."

"That's all," said West. But then he and Galwey got into an absurd game of follow the leader for a minute.

"In all the time you have been employed in that house did you ever see the defendant use the stairway?" asked Galwey.

"No, sir, I never did," said James.

"But she could have used the stairway without your seeing her?" said West.

"Yes."

"But you never saw her use the stairway?" Galwey countered.

"No, sir, I never did."

West looked well pleased as James finally stepped down. But for me it was a sickening, futile performance. The record would look all right. Printed, that bit of testimony might serve West's turn. But—the jury, you see, wasn't going to decide on the basis of a printed record. It had heard James testify in his own words and his own voice, and no matter what he had said or hadn't said, or what had been stricken out, it knew what

James thought—which was that Mary Dugan had killed Edgar Rice.

I didn't blame West for that, of course. He couldn't have done anything to keep the jury from getting that impression from James. Galwey hadn't had to lead him; he'd made his certainty of what seemed to him the truth clear almost in spite of Galwey himself.

But I hated and feared West's complacent satisfaction with what seemed to me a technical victory in the most trivial of skirmishes. After all, he wasn't supposed to be here to secure a record to which he could, sometime, point as evidence of how well he had performed his task, but to save Mary Dugan from the electric chair.

XV

THE KNIFE

CERTAINLY we at the reporter's tables had no legitimate complaint now of the pace Galwey set. He went about the dreadful business quietly, efficiently, promptly. In a sense there was nothing new about the evidence; I, and all of us, had heard most of it before; we all knew, in substance, what was coming. But there was no getting away from it that the setting of the court gave all that we heard a new impressiveness. Witness after witness was called, was sworn, and, calmly, without passion, testified to damning facts.

And, so presented, in an ordered sequence, without comment, with pitiless clarity, those facts acquired a cumulative value and weight fairly appalling. It was hard for me to listen; it was harder to watch Mary Dugan, and see the fading of hope from her eyes; it was hardest of all to have supported, by the way the trial was going, my conviction of the almost farcical inadequacy of that defensive method of West's that he had, in his first presentation of it to me, made sound and seem so strong, so plausible, so convincing.

Galwey's witnesses were strong. They were impressive. They weren't trying to make an impression; that was the deadliest thing about them. There was something almost deprecating, indeed, about old Hunt, when Galwey put him on the stand. He wouldn't look at the girl; there was, I think, a genuine reluctance in him to tell what he had to tell. It got me; it was bound to get the jury.

He didn't add anything to what we already knew about the case. It was, as a matter of fact, almost formal evidence that he had to give. He told of how, on the morning of the murder, he had been awakened by a telephone call and told to go to Mary Dugan's apartment and look into the killing of Edgar Rice. Galwey, for some reason, was insistent upon the detail of how this had come about; got it out of Hunt that the Police Commissioner himself had given him his orders. And he wanted not a report, but an actual statement, and got, so, one of those tragic laughs that come in every murder trial.

"I want the exact words in which the Commissioner gave you your instructions," Galwey said.

"Well, Mr. Galwey," Hunt replied, "he said: 'Mike, all hell's broken loose up there. Come a' running.' "

Then he went on to tell of his arrival at the

apartment, of his discovery of Rice's body, of Mary Dugan's actions, and of her arrest. Stale stuff, all that, by now, but the jury had to hear it. In theory, remember, none of the jurors had read any newspaper accounts of the case, formed any opinions of it. The law can certainly be an ass.

They brought in the enlargements of some of the photographs Hunt had taken on the spot; ghastly things to see. There was Rice, lying dead; there was Mary Dugan, with a terrible, rapt look, sitting near him. There was a tragically appealing picture of the bedroom, exactly as Hunt had found it. West, all this time, was still. Only when it came to a question of the finger prints on the knife did he go into action—and then simply to delay the establishment of the fact that the girl had handled the knife that night, which she had never denied, anyway, and which Galwey was fully prepared to prove by evidence to which West couldn't object.

As a matter of fact, Hunt's evidence, as such, really wasn't important. But his attitude was—frightfully so. His value to Galwey lay in this—that what his appearance on the stand, in practice, came to, was exactly as if he had said: "Well, gentlemen of the jury, it's too bad, but it's my duty to tell you—the little lady killed him."

I didn't see what West could hope to do in cross-examination, but he rose, when Galwey was done, and tried. He tried—and I could see why he did this—to show that there were no signs in the bedroom of any unusual excitement, that things weren't thrown around. Hunt admitted that much, blandly.

"The room looked as any might that had been occupied by a married couple, living contentedly and happily together?"

"Yes, I should think so," said Hunt. "I don't know. I'm a single man, myself."

That got another laugh. Then West switched his line and set out to show that Hunt had used unwarranted pressure in an effort to make Mary Dugan confess that she had killed Rice.

"Didn't you, as a matter of fact," he asked, "shout and yell at this girl, and shake your fist in her face for nearly an hour, trying to make her admit that she had killed this man?"

"You mean third-degree stuff?" said Hunt, a little bored. "No, sir. I didn't think it was necessary. The case was open and shut. It didn't matter what she said."

A lot of help that was! Galwey wouldn't have dared ask Hunt that question, or anything like it. But he fought—and successfully—against West's effort to have the answer stricken out as unre-

sponsive. And, after all, of course it wasn't unresponsive; West had got more than he'd bargained for, that was all.

Cameron leaned over to me, and said, in a stage whisper:

"If you ask me, Galwey's making a monkey out of West so far!"

I thought so myself. And I wondered what Mary Dugan thought. I wondered if I could get to her, talk to her. I didn't see how. Not now, at this stage. And the knowledge of my helplessness was pretty hard to bear.

West went on with his futile pin-pricking. He brought out that Hunt hadn't found out, for instance, that he, himself, occupied the next apartment; that Hunt hadn't, as a matter of fact, done any research work at all in connection with the apartments near that in which Rice was killed. That would have been all right if he'd had anything up his sleeve, but, so far as I knew, he hadn't. He seemed simply to be trying to impeach Hunt on the score of competence, and Hunt was too obviously a good policeman, so far as routine went, for that to do much good with the jury. They were much more likely to put the other interpretation on Hunt's neglect of certain details—namely, that he already had all the evidence he needed. That, of course, was the line

Galwey took, in a brief re-direct examination. And West's final effort to get the jury down on Hunt was just as much of a dud as the others. He made Hunt admit that he had compelled Mary Dugan to stand before him nude while he photographed the bloodstains on her body, but the jury didn't seem to feel as outraged by it as West did. I didn't myself, for that matter. It seemed a trivial thing beside all the rest.

Captain Price, the great finger-print expert of the New York police, and, I suppose, the leading American authority on the subject, followed Hunt on the stand. He identified the knife; told of examining it for finger prints; swore that the prints he found on its handle corresponded exactly to the impressions he himself took from Mary Dugan's right hand. West let him alone; asked him only to show how Mary Dugan must have held the knife, which Price did.

Then they put my little friend Dagmar Lorne, of the Follies, on the stand. The crowd loved that. So did Dagmar. She told Galwey just about what she'd told me. She repeated her characterization of Rice as a dim bulb, and when she saw that that puzzled Galwey—it really did, too —she explained: "I mean he was solemn, dull. I guess he was all right in a business way."

What Galwey put her on the stand for, seem-

ingly, was to prove that the relations between Rice and Mary Dugan had been what every one who read the newspapers already knew they had been. But now, for the first time, Mary Dugan got a break from a witness's feeling about her.

"In your intimacy with this girl," Galwey said, "did she ever speak to you of a lover?"

Dagmar was up in arms at once. I liked the way she went back at him.

"She had no lover," she said. "Mona is a decent, self-respecting girl."

"Oh, ho—!" said Galwey. "How can a woman who is openly the mistress of a married man be decent or self-respecting?"

Dagmar leaned forward, and her voice, as she answered, wasn't affected, for once.

"By not cheating, Mr. Galwey," she said. And Galwey had had enough.

West, naturally, was gentle with her. What he wanted, on his cross-examination, was to show that Rice and Mary Dugan had been friendly, always, that they hadn't been a quarrelsome pair. He did it, too, so far as Dagmar could help him. And then, when they seemed to be through with her, she turned to Nash, with an engaging smile.

"Judge," she said, "there's one thing they haven't asked me?"

"Yes?" said Galwey, suavely. "What is that,

Miss Lorne? I am only too anxious to secure any information you may have."

Nash nodded. And Dagmar turned her smile upon the jury.

"Well," she said, "I just wanted to say that I think this charge against Mona is perfectly idiotic!"

And then, of course, right on top of that, came May Harris with her tale of the letter Rice had wanted to open and Mary Dugan's attack upon him, or threatened attack, rather, with a carving knife—which made the first sensation of the case. I'd known about that, because May had told me of it, but no one else had, and it was a comfort to the evening paper crowd. And to Galwey, too; he was plainly only too glad to get that into the record.

May made a venomous, terrible witness. Her lisp, her tiny figure, her whole look of a mischievous child, were all calculated to impress the jury, and unquestionably did. Mary Dugan looked at her pretty steadily while she was testifying, and May met even that. She was, I think, telling the truth; stating the facts, at any rate. West, seemingly didn't; he tried, at all events to get away from the carving knife. And his method, I will admit, was ingenious, and not ineffective. It was the first time West really showed to ad-

vantage; the first time his peculiar technique seemed likely to be of real value.

He began in a manner as suave and ingratiating as Galwey's own. He wanted to know what they had had for dinner that night at Mary Dugan's.

"Champagne!" she said, ecstatically.

"Yes, but what did you have to eat? Begin at the beginning and tell us what you had to eat."

So it came. Oysters, and soup, and chicken patties, and a salad, and fruit and cheese and coffee.

"You've forgotten a roast, haven't you?" said West.

But May didn't think they'd had a roast. West came back to that, two or three times. Still she could remember no roast. Then his manner changed; his voice grew menacing.

"How does it happen, then," he said, "that there was a carving knife on the table for the defendant to pick up?"

"I—I don't know—" said May, startled.

"Whereabouts on the table was it?"

"Why—I— Why, Mr. West—I don't remember!"

"That's all!" said West, triumphantly. Galwey let it go at that. He had, though I hadn't known it, another witness to tell about the incident with the knife—Fern Arthur, who followed May Harris

on the stand. A girl of a different type, this; the cold, intelligent Broadway girl, less attractive, less beautiful, than Mary Dugan, or Dagmar Lorne, without May Harris's diablerie and prettiness, but with a definite quality and appeal of her own, none the less.

And Fern knew exactly where the knife had been. Close beside Mary Dugan's place at the table, she said—this, after she had confirmed all that May had said.

This girl, from the point of view of Mary Dugan, was the worst witness of all. She was utterly impersonal; you couldn't doubt that she was telling the truth, so far as she knew it. There wasn't the hint of corruption in her that there was in May Harris, for all her prettiness; Fern Arthur, if she was in this Broadway life, was in it not through weakness, but through strength; she knew, at all times, what she was doing, and why. I got my picture of her the moment Galwey asked her, almost casually, if she had drunk the champagne at dinner. She looked him in the eye, tolerantly, and:

"I never drink, Mr. Galwey," she said, quietly.

So she, too, told about the knife and the letter.

"What was the defendant's manner when she picked up the knife?" asked Galwey.

"Deadly," said Fern Arthur.

"What do you mean by that?"

"Her face was white and her eyes were blazing -she was wild with rage."

"What did you do when she rushed at Mr. Rice?"

"I tried to stop her."

"And she—?"

"She pushed me out of the way. 'Get away from me,' she shouted."

"You actually heard her threaten to kill him?"

"Yes, I did."

"Had you ever seen the defendant in a rage before?"

"Yes. Many times."

West asked just one question. Much good the answer did him!

"Are you a friend of the defendant's?" he asked.

"Yes, I am," said Fern Arthur. "But I have to tell the truth, don't I?"

Galwey grinned. "That's all," said West.

And then Galwey did what every one had been hoping for—he called Edgar Rice's widow to the stand.

XVI

JIMMY!

THE sight of that somber, black-clad figure, far back, by the door, warned us of what was coming before the call of "Gertrude Rice, Gertrude Rice" set every pair of eyes in the room to staring. I saw Mary Dugan's start; the convulsive catch of her breath. She turned to look at West, and he smiled at her, reassuringly. I was growing to hate that smile; growing, for that matter, to hate West, and everything about him.

The sight of Mrs. Rice filled me with an almost uncontrollable excitement. Here was one of the really mysterious factors in the case. I had discovered nothing, in my search, my inquest, that threw any real light upon her. I had, indeed, never so much as seen her. And now, as, slowly, with measured steps, with Galwey, courtly, chivalrous, at her side, supporting her, she approached the witness chair the very sight of her bowed figure, with the long, black veil that hid her face, roused in me again the excitement that repeated failures had killed.

Here, at last, in this welter of twice- and thrice-

told tales that we had had, there was to be something new, something real, something that had meaning. This woman knew things vital to understanding of the whole case. How much or how little I did not know, had no way of knowing. But this much was certain—with what I knew already, with all the knowledge I possessed that neither Galwey, nor Hunt, nor any one on the other side shared, it was for me to listen with every bit of concentrated attention I could bring to the task to what she might depose; it was for me to seek, in this, what might prove to be my last opportunity to serve Mary Dugan, to be the friend she so desperately needed now, any hint this woman's words might hold. I had to be watchful, vigilant; now, if ever, I was to have the chance to snatch that single other fact I needed to give meaning, clarity, to that maddening maze of facts I had culled in a hundred places, from a hundred people.

I looked again at Mary Dugan. Galwey was staging Mrs. Rice's entrance well, making the most of it, using to the full against his prisoner the tremendous appeal of that figure of sorrow and shame and desperate, wondering grief. And I wanted to see how the girl met this first sight of the woman she had, in the eyes of all the world, wronged so cruelly.

In that moment I longed for Brant to be there. He should have been beside me, to see what I saw, to share the thrill the very sight of Mary Dugan sent through me. If ever I had doubted her, if ever, for a moment, the weight of the evidence, remorselessly piled up, had shaken my faith in her, the sight of her then would have given me back all I needed of confidence, trust, certainty that, whatever she had done, she had no part, no hand, in Edgar Rice's death.

Her head was up now. She never let her eyes waver, not for a moment did she cease to look on the older woman. And those blue eyes of hers were not the eyes of guilt. She was serene, unshaken, unshakeable. And I knew, wondering, that fear had left her. Now, for the first time since Hunt had told his story, there was hope in her eyes, there was something almost like triumph. She leaned over to speak to West as Mrs. Rice turned, for a moment, before she seated herself, after taking the oath—that old, solemn oath to tell the truth, the whole truth, and nothing but the truth, so help her God!

Mary Dugan leaned over to West. She spoke quickly, alertly, not in fear, but with interest, anticipation, something like excited hope. I saw Galwey look at her; his eyes were curious, puzzled. I didn't blame him; I was as baffled, as

curious, as he. But with every moment my own anticipation, my own feverish intensity of interest, grew. I'd been right, then, all the time, and West had been wrong; Mary Dugan had known something, something of vital importance, concerning what had happened in those critical and mysterious hours before the death of Edgar Rice. And if she had never told West what she knew before she was telling him now.

West listened, still with that maddening, tolerant smile, that air of his of humoring a child. Once, as the girl's excitement mastered her, he patted her arm, in that gesture he seemed to use either to reassure her when something frightened her or to calm her when her emotions were getting out of hand. He said something; she looked at him, puzzled, for a moment, and then sat back to wait. And my eyes went back, now, to that somber, tragic figure in the witness chair.

Her veil was still down; the murmur of talk her appearance had brought was dying away. Nash leaned forward, interested at last; the jurors, roused from their recent apathy, were up in their seats, alert, curious.

"I'm very sorry, Mrs. Rice," said Galwey. "But I shall have to ask you to remove your veil."

Slowly, reluctantly, it seemed, she raised her

hands and put the long black veil back from her face.

I had seen innumerable pictures of this woman. But none of them had shown her to me as I saw her now. Here was a woman beautiful, for all the ravages the events of the last few weeks had wrought upon her. Beautiful, passionate, younger than the years that seemed to be hers. Alive to the last vibrant bit of her. I had pictured her as other than that. I had thought of her as one of those cold and almost sexless women who send their husbands out to seek such solace as Edgar Rice had sought. But not through coldness had this woman done that.

And instantly, in that one glimpse of her, one of the mysterious facets of this mystery was bathed in a clear light. The force, the urgent thing, that had been behind Rice's quest for love was manifest, revealed. He had loved this woman; it was not hard to see how a man might have loved her, might love her still. Had she loved him he would never have left her, never have thought of, much less have turned to, another woman. But Galwey had begun. He was very gentle, very quiet. The formal questions came. It had to be proved, in open court, in the hearing of the jury, that this was Gertrude Rice, that she was Edgar Rice's widow; she had to tell that she

had been married for fourteen years, that she had one child, a girl of twelve. It took, it wasted, time—but the record must be kept clear, for the sake of Galwey's ambition to go to Albany. Then:

"Mrs. Rice, I am extremely sorry, but I shall have to ask you to go into very intimate details of your married life. At the time of his death, were you living with your husband?"

"No, sir."

"And when did you stop living with him? I mean, of course, as man and wife. It is understood that you continued to share his home."

"I understand," she said. "It was—it was about a year ago."

"And the reason?"

She looked at Mary Dugan.

"Because of that woman!" she said. "His mistress!"

"And until then, until this time about a year ago, your life with Mr. Rice had been a happy and contented one?"

"Yes."

"And, so far as you know, he had never been unfaithful to you until then?"

"Never. I am quite sure of that, Mr. Galwey."

"And, until you discovered the fact of his illicit relation with this defendant, your life had been normal, happy, contented?"

"Yes."

"In every way?"

"In every way."

"You and he did not quarrel? He was in no way unkind to you?"

"I think he was incapable of unkindness of the sort I think you mean, Mr. Galwey. He was generous, kindly, indulgent in every way. I was envied by most of my friends."

"I see. Mrs. Rice, will you tell us how you discovered the truth?"

"In what I think must be the usual way, Mr. Galwey. Mr. Rice was away from home a good deal, especially at night. I am not a suspicious woman, but his excuses for these absences were absurdly inadequate. And then—a friend told me the truth."

"And you believed her? It was a woman friend?"

"Yes. I had no choice but to believe her. She knew the truth. There would have been no difficulty in securing even legal evidence, had I cared to sue for divorce."

"But that you did not do?"

"No. I felt that I owed a duty to my little girl, as well as to myself. I hoped that my husband would, in time, be cured of his infatuation, and that we might come to some basis of agree-

ment that would permit us to retrieve our happiness."

Most of the time I had been watching Mary Dugan, rather than Mrs. Rice. Mrs. Rice's face was almost expressionless; her voice was the completely schooled and disciplined one of the well-bred woman of the world, trained to conceal emotion, to help in the repression of instincts and impulses. Mary Dugan, on the other hand, was tense, alert; her eyes had more life, more fire, in them than I had ever seen.

And that tension of Mary Dugan's had spread through the court. For the first time there was electricity in the air; there was the sense of something impending.

"I understand," Galwey went on. "But—you did take some definite step, Mrs. Rice? You did act upon the information that had come to you?"

"I owed that to myself," she said. "Yes. I—I locked the door between our rooms."

"You said nothing to him—you merely locked the door?"

"I did not think it was necessary for me to say anything, Mr. Galwey. I felt I was not called upon to do more."

"Did Mr. Rice make any comment upon your action?"

"Yes. He asked me why I had done it, and I told him."

"And what did he do or say then?"

For the first time Mrs. Rice hesitated.

"Please, Mr. Galwey," she said. "Must I answer that question? I would rather not—it seems so useless, so unnecessary—"

"I'm as sorry as I can be, Mrs. Rice," said Galwey, gently. "But I am afraid I shall have to insist. I am anxious to spare your feelings to the extent of my power, but my duty—"

"He broke down," said Mrs. Rice. "He—he cried. He was terribly upset and unhappy. He said he couldn't help himself."

"Did he tell you he was in love with this woman?"

"He said he didn't know what it was. That she fascinated him. That he couldn't stay away from her. That she had some power over him that he himself couldn't understand."

"And what did you say to that?"

"I—I begged him to give her up before it was too late. I offered to help him in any way I could. I appealed to him for the sake of our child, and for his own sake. I offered to—to go away with him, to try to make a new start. I reminded him of the dreadful experience of a friend of his, the

president of a bank, who was completely ruined, who lost everything he had in the world, as the result of the same sort of an infatuation."

Galwey checked, for a moment. He looked puzzled, disturbed; it was as if he found himself groping for his next question. And, indeed, the line he was following was a difficult one, and, I thought, with Mrs. Rice, an unnecessary one. It was harrowing, pitiful, but it was beside the point. There was no need, surely, to prove to any one that Mary Dugan had exerted a powerful influence over Edgar Rice, which was all that these questions could bring out and prove.

All through the court room there began to be signs of restlessness, of nervousness. It was late in the morning, well after half past twelve; the time to adjourn for lunch was already past. Nash, on the bench, was glancing at his watch; trying to decide, evidently, whether to adjourn now or let Galwey be done with Mrs. Rice and get the unpleasant business over. West sat impassive; he had been making some notes—preparing, obviously, for his cross examination.

And then, just as Galwey turned back to Mrs. Rice, his lips parted to ask his next question, something happened. There was a scuffle at the back of the room, near the door; as I looked around, startled, I saw a man, a boy, really, at

the rail, his way barred by an officer. He was breathless with haste and excitement.

"Let me through!" he cried, with no effort to lower his voice, no thought of the decorum of that place. "I've got to see the defendant—"

Something made me look at Mary Dugan. She had half risen in her chair; her face was as white as chalk; the blood had run from it. Her hand was at her breast. And she cried out, piercingly, agonizingly:

"Jimmy! Jimmy!"

I was on my feet at that cry. We all were. Galwey started as if he had been shot.

"Jimmy!" he echoed, in a great shout. "Let that man through—"

No one heeded the crash of Nash's gavel, the clamor of his angry, outraged voice. Jimmy! The man we had all sought. I saw old Hunt, his eyes staring till they seemed to be popping out of his head, shaking his great head, dull and stupid and gaping in his wonder. I saw West, his jaw fallen, staring, too.

Jimmy was through. He reached the girl in two strides and took her in his arms, and held her, close, as though he would shield and guard her from the whole world of enemies that ringed her. Over the muted clamor of the crowd her voice rose, shrill and terrible in its pain, its fear.

"Jimmy—oh, Jimmy—you must go away—how did you come? You must go—you can't stay—oh, Jimmy—oh, God—God—God—"

By now the officers, the policemen, had gained some measure of control, over themselves and the crowd. Once more Nash's gavel fell; was heard, this time, and heeded. Gently Jimmy disengaged himself from the girl's arms; took a step forward, facing Nash. It was in that moment, as I looked at him, that I knew the truth; that the crazy, jumbled pattern of the things I knew began at last to give way to the perfect, harmonious mosaic of truth.

Nash was looking sternly at the boy.

"What is the meaning of this disturbance?" he asked. "Do you wish to be committed to prison for contempt of court?"

"May it please the Court—" Galwey broke in. "This is a witness of vital importance. I ask that your Honor order his detention—"

Jimmy turned to look at Galwey, amused, contemptuous.

"I've come three thousand miles to be here—I'm not going to run away," he said. He turned back to Nash. "May it please the Court. My name is James Dugan. I am a member of the California bar. I am this defendant's brother. I ask the indulgence of the court, and its permission

to remain with my sister and associate myself with her defense."

I looked at Mary Dugan then. She had fallen back into her chair. And she was a picture of despair, of utter grief. Nash gave back for a moment in his amazement. But he was a hard man to confuse. He looked at Dugan, and bowed.

"The court grants willingly what it is your right to ask—permission to be with your sister, sir," he said. "For the rest, it is the privilege of the defendant's present counsel to decide whether or not he desires your aid in her defense. In order that you may confer with him this court will stand adjourned until two-thirty o'clock this afternoon."

He rose, and the crowd of us rose with him as he left the bench. A man of quality, Nash, when all was said and done. Not until he had vanished did the babel of voices break out again. By that time West was shaking hands with Dugan; Mary, sobbing, was letting her brother raise her from her chair.

XVII

NO QUESTIONS!

I THANKED Heaven, as I ran from the court, that the *Star* was a morning paper. That wasn't the newspaper man's reaction, of course; I ought to have been, to run true to form, disgusted because this greatest sensation of the whole case had broken at a time that meant that the evening papers would reap all its benefit, with nothing for us in the morning to do but serve up a warmed-over version of stale news. But it was a long time now since I had looked at the case of Mary Dugan as at a story.

What I wanted now was to see Brant, to fling this new and vital fact at him, to consult with him as to how best we could make use of it. There was no chance, for the moment, for me to see Dugan, which, as soon as that chance came, I must, of course, do.

Brant, as it happened, hadn't seen the City News bulletins, giving the flash word of Dugan's coming. The city room was buzzing with the story as I went in, but Brant, I found, had been in conference for a couple of hours with the biggest boss

of all. Reporters, as a general thing, don't break in on conferences like that, but I'd have followed Brant, just then, into a private interview with the President of the United States. I knocked at Ransome's door; followed my own knock in. Ransome, behind his desk, grinned at me amiably; he knew I must have something big. So did Brant; he just stood, tense, waiting. I let them have it.

"Her brother! Well—by God! And I never thought of it!" said Brant. "Of course—what a pair of fools we've been, Steve! He had to be her brother or her son, and, knowing what we knew, he couldn't have been her son! I will be damned! Boss—you'd better let us out and hire some newspaper men."

"Oh, I think we'll wait till this trial's over, anyway," said Ransome. "And, after all—you're not the only ones who didn't guess it. I should say, as a matter of fact, that this goes to support the stand you've taken from the first, Brant. I don't mind saying now that there have been times when I thought you were riding a hunch to death—but, as you know, I never interfere."

"I'll say I know it," said Brant, with his slow, rare smile. "And never doesn't mean well, hardly ever, either—not when you say it. Tell me about this boy, Steve."

"I don't know much, yet," I said. "I stopped to

wire Crewe, in San Francisco, and Lodge, in L.A., on the way in—he did say he was a member of the California bar, and I asked them both to wire anything they knew about him."

"Good," said Brant. "That's one thing about Steve and me, boss—we may be slow, but once we get started we go out for action. What's he look like?"

"Nice, clean-cut kid," I said. "As good looking in his way as the girl is in hers. Might have played football, from the look of him. Hard as nails. Keen, too—he's got a good bean."

"He'll have a chance to use it," said Brant. "West's looked pretty bad on paper. Is he?"

"Worse than the record looks," I said. "He's been playing Galwey's game most of the time."

"We've got to get organized," said Brant. "Every one in town will be after this boy. We—"

"We've got to fight West," I put in. "West beat me so far as seeing Mary Dugan was concerned, because he held all the cards. He doesn't, this time—the boy's a free agent, as his sister hasn't been. But West'll try to keep me from talking to him—try, anyway, to beat me to it and convince young Dugan that I'm an interfering marplot, trying to ruin his sister's defense to make a story."

"Well, he can't do it, unless Dugan's a fool," said Brant.

"Of course, there's just this much to it, too," I said. "The reason, one of the reasons, anyway, Mary Dugan has held out on every one the way she has, has been to protect this kid brother. Lord—it's all so plain now—the whole thing! Well, now that that's out she ought to be willing to talk. I'm hoping she's told West by now what Rice told her that last night."

"That's so, of course," said Brant, frowning. "You mean that if he knew that West might take a different line?"

"I don't see how he can help himself," I said. "Not if it's as important as we've always thought it would turn out to be."

"But how's he going to bring it out? He daren't put her on the stand," said Brant.

"You, too?" I said. "Why not, boss?"

He stared at me.

"Good Lord, Steve—Galwey'd tear her to pieces, and you know it! It would be suicide. I agree with you about West, in the main, but he's got some arguments on his side, too."

"If she tells the truth, and it helps her case, and there's no way any one else can tell it, she's got to take a chance on what Galwey can do to her," I said. "We don't know what she's got to tell, anyway. There's just as good a chance that it'll destroy Galwey's whole case as that anything

he can do in the way of discrediting her can hurt her. My Lord—she's got everything to gain and nothing to lose. She can't be any more completely discredited and smirched than she is now."

"I'm disposed to agree, if you want a lay opinion," said Ransome. "I think Barrow's nearer right than you are, Brant."

But Brant just shook his head, doggedly.

"We'll see," he said. "I'm thinking of the jury. And of what Galwey can do in cross examination."

Then we fell to talking of ways and means. The great thing was to get hold of Dugan, to get a chance to talk to him. After court adjourned, that would have to be; there wasn't a chance before.

"Don't worry about to-day's story," Brant said to me. "You stick to Dugan. I'll have Barry over there with you this afternoon, and if you get tied up he can do the lead."

I went back, then, to find the court room full already; few of the spectators, I think, had risked the chance of not getting in again if they once went out. Galwey was there, with a knot of reporters around him; there was no sign, though, of West or Dugan, and old Sheehan, the dean of the court attendants, told me that they were with Mary Dugan.

Nash was late getting back; after he came in there was more delay, because Mrs. Rice had gone

uptown, and was held up in traffic, she explained, coming back after lunch. She looked ill and very tired and worn; there was a little gasp of sympathy for her as she took her place in the witness chair and raised her veil. Galwey, after a glance at Mary Dugan, resumed his examination. He went over, first, to the stenographer, to refresh his memory; then turned to Mrs. Rice.

"Now, Mrs. Rice," he said, "you have told us that you pleaded with your husband to give up his illicit relations with this defendant. I take it that he refused to do so?"

"He said that he could not give it up. I think he would—I think he wished he could. I am not sure, but I seem to remember that he actually said that."

Not a word of objection, all this time, from West. He had not broken in once, with objection or exception, upon Mrs. Rice's testimony—though, had he still been for quibbling, he might have done so, well enough. Galwey was leading his witness; he was seeking evidence technically inadmissible, if I knew anything of the law. But West sat still, and Dugan, I saw, was equally unconcerned.

The boy winced once or twice at things that came out, at words and phrases they used about his sister. The girl herself sat, head bowed. She hadn't seemed to mind, before, what they called her, what they said about her. Now she did.

Well, that wasn't surprising. It was a sick and tragic thing to think of the meeting that brother and sister had had, to be able to guess a little, as I could, of what Mary Dugan's silence about Jimmy had meant, to remember that long trail of weekly letters I had followed, and then to contemplate the revelation of the truth that boy had had to face, and the girl's final reward for the years of effort and sacrifice that stood behind her. It didn't bear thinking of, for me. Not yet, at any rate.

"I see—" Galwey was going on. "And yet, in spite of his refusal, you still did not contemplate suing for divorce?"

"I contemplated it, naturally, Mr. Galwey. But I did not wish a divorce. Mr. Rice and I went into that question very fully together. I asked him what he wanted, and he didn't know—except that he had no wish to be free, no thought of marrying this woman. And we decided, for the sake of our daughter, to go on as we were, for a time, at any rate, and see what happened. I suppose a great many women in my position have been compelled to make such a decision, hard though it is."

Galwey bowed sympathetically.

"You made that decision. Did you discuss it first with your lawyer, or with your friends?"

Mrs. Rice lifted her head proudly.

"No," she said. "The decision was mine to

make, and I had reached it after a full discussion with my husband. Nothing any one else might have said would have affected me."

"Thank you. Your door, however, continued to be locked—you had definitely ceased to be Mr. Rice's wife?"

"Yes."

"But, so far as the outside world was concerned, nothing was changed—your married life went on as before?"

"So far as the outside world was concerned. Yes."

"Mrs. Rice, did you, after this occasion to which you have referred, make any other attempt to persuade Mr. Rice to break off his relations with this defendant?"

"Not at that time."

"Did you ever do so?"

"Yes."

"And do you remember when this was—when you made your second attempt to get your husband to leave this woman?"

"Yes, I—"

She was sobbing. She was badly shaken. Mary Dugan's head was up now; she was watching the other woman with eager, fascinated eyes. Some crisis of this tale impended.

"I'm terribly sorry, Mrs. Rice," Galwey was

saying—and with sincerity, and real and vibrant sympathy. That was Galwey's great strength in such work as this; he had real sensitiveness, a real power to feel for others, and to make the jury feel. "Take your time to answer that question—compose yourself."

She looked at him.

"Yes—" she said. "Yes—I—I'm all right. What was your question, if you please, Mr. Galwey?"

"I asked you, Mrs. Rice, if you could remember exactly when it was that you tried again to make your husband give up this woman."

"It was the night he was killed," she said.

I saw Mary Dugan's start; the startled amazement in her eyes. I think every other eye in the room was on Mrs. Rice; I think I was the only one who saw the girl's reaction to what the other woman had just said. What did it mean? Why had that so moved and affected Mary Dugan?

"I see," said Galwey. "On the night he was killed. And at about what time, Mrs. Rice?"

"It was after dinner. I cannot tell you the exact time."

"Your husband had dined at home that night?"

"Yes. We dined together—my husband, my daughter, and I."

"And can you tell me why you should, on this

particular night, have renewed your effort to induce your husband to return to you when, for nearly a year, you had done nothing?"

She seemed to wince at his words. Her voice, when she answered, was barely audible; the stenographer had to lean forward to catch her words, and they must have been lost for any one beyond the rail.

"It was because of something my little daughter said at dinner. She looked at us both in the strangest way, and then she said: 'What's the matter? Don't you two love each other any more?' "

"And what did you say, Mrs. Rice?"

"I—I didn't know what to say. I laughed, I think, and I think Edgar did, too. We both felt that the child mustn't know. Edgar was very white, and he said, 'Why—why, yes, of course we do.' And then he looked at me as I hadn't seen him do for a long time. And after dinner, after the child had gone to bed, he turned to me and said he wanted to see me—that he wanted to speak to me about something very important. So we went to my sitting room, and when we were alone he asked me if I thought I could forgive him."

"And what did you say to that?"

"I asked him exactly what he meant. I said that of course I had forgiven him, because I was sure, as I had been as soon as the first shock of

my discovery was over, that he had not been able to help himself. But I said I wanted to know just what he meant, just why he was coming to me now to ask me this."

"I see. And what did Mr. Rice say?"

"He took me in his arms. The tears were running down his cheeks. He said that he had been a fool, and that now he knew it. He said I was the only woman he had ever really loved, and that he wanted to come home."

Galwey turned from her as she broke into renewed sobbing, her handkerchief at her eyes. He was triumphant. Here, you see, was the very cornerstone of his case. He looked at Mary Dugan, but his eyes passed over what I saw, what filled me with such wonder that I had no thought at all for the sobbing, shaken woman on the stand, the stark, amazed incredulity in her eyes. He looked at West, still calm and impassive, still seemingly unmoved. He looked at young Dugan, and there was pity in his eyes as they rested on the boy. Then he came back to Mrs. Rice.

"And what did you do and say?"

"I told him—I told him he was home. And I kissed him."

"Oh—" This time every one could hear Mary Dugan's gasp. West leaned toward her, and she spoke to him, vehemently. He shook his head;

made to pat her arm. But, for once, she would have none of that everlasting gesture of reassurance of his; she shook herself, impatiently; turned to her brother, and spoke to him eagerly. He started; leaned across her to speak to West. The old, obstinate, dogged look I knew so well was in West's eyes; whatever the brother and sister were saying they were failing to make any impression on West, just as I had failed.

"So that—" Galwey was going on. "So that, on the night of his death, Mrs. Rice, you and your husband were reconciled?"

"Yes."

"And it was after that reconciliation that he went out?"

"Yes."

"Did you know where he was going?"

"Yes."

"Did you interpose any objection?"

"No."

"You knew that he was going to this woman's house, but you made no effort to stop him?"

"No— Oh—" It was with a cry of anguish that she went on. "Oh, God help me, I sent him!"

"You sent him to the house of his mistress? Why?"

"Because I wanted the thing to be ended, once

for all. I wanted him to be fair to her, too. I wanted him to tell her it was over, and make what arrangements were necessary with her. He—he promised me that he would tell her I was the only woman he had ever really loved."

"I see. Then, when he went out, you expected that he would soon return? You looked for him to come back to you, and for the beginning of a new life together?"

"Yes."

Again Galwey turned from her. He looked at the jury. And then, with a gesture of finality, he turned to West.

"That's all," he said. "Your witness, Mr. West."

Mary Dugan sat back. Her brother's eyes were eager. Very slowly and deliberately West rose, very slowly he walked around the table. Mrs. Rice, with an effort, checked her sobs; looked at him. He gave her a little, casual nod. Then he smiled at Galwey.

"No questions," he said, and turned back to his chair.

XVIII

GERTRUDE RICE

I THINK no one in that court believed that he had heard West aright. Galwey started; a look of utter incredulity came into his eyes, to be succeeded, almost instantly, by one of puzzled, troubled wonder. It was as if he suspected West, for the first time, of having something up his sleeve. Even Nash's judicial calm was threatened for a moment. And from the rest of us there was a sort of gasp.

"Good God!" said Cameron, across our table from me. "Is the man mad?"

"If that testimony's not challenged it will send her to the chair!" said another reporter.

There was just one articulate comment; it came from young Dugan. His sharp "What?" was like the crack of a pistol; it made Galwey turn and stare. West looked at him, smiling. Mary Dugan was aghast, utterly incredulous, utterly taken aback.

"Mr. West"—the boy's voice carried—"do you mean to say you're not going to cross examine Mrs. Rice?"

"No, I'm not," said West.

"You're going to let this testimony go unchallenged?"

West's voice was low, but now we began to be able to make out his words.

"I must conduct my client's defense in my own way. You must not try to interfere with me—"

Now Mary Dugan broke in. I couldn't hear just what she said; just the one word lie came to us, to quicken our ears. And in a moment Dugan gave that one word force.

"You won't expose the lies that woman has told on the stand?"

The boy was angry now; in him incredulity was giving way to resentment and determination. He had stopped trying to moderate his voice. Nash's gavel sounded sharply.

"Gentlemen—what is the meaning of this?" he said.

West rose, and Dugan followed him.

"If your Honor please," said West, "I have, as I think must be apparent to the court and to the learned district attorney, planned this young woman's defense with the utmost thought and care. I cannot allow any interference."

"May it please the Court," said Dugan, angrily, "I think it high time that there should be such interference. I regard counsel's failure to cross

examine the last witness as a complete—as an outrageous dereliction—"

"Really!" West's eyes were blazing. "I am anxious to make every possible allowance for the youth of the defendant's brother, and for his very natural feelings—but I must still insist upon conducting his sister's defense in my own way and according to my own best judgment."

"I can only say once more that I regard the failure to cross examine—"

"And I say again that, with all due deference to the court, I will not allow my defense to be interfered with by a boy—"

"You mean you will not allow me to aid in the defense of my own sister—"

"May it please the Court!" Galwey broke in. "I cannot but feel that this scene, before the jury, is highly improper. I beg most respectfully to suggest—"

Nash interrupted him.

"One moment, Mr. Galwey. The Court finds itself in full agreement with your views. I shall order an immediate recess. The prisoner will be brought to my chambers. There I shall be glad to permit counsel for the prisoner and Mr. Dugan to continue their discussion, and, if it shall seem proper, will offer my own assistance in the composition of this most regrettable dispute."

Galwey bowed and sat down. So did West. And Dugan, flushed, a little shamefaced—how well I knew how the boy felt!—could only follow their example. Then Nash rose, and we with him, and the principals in this new drama went out, leaving the rest of us to wait for their return in a breathless anticipation.

Galwey came over to our table, smiling.

"Here's a how d'ye do!" he said. "By Jove, I like that boy. But West's right, you know."

"You would think so," I said. "But, heavens and earth—unless that woman's story is shaken the girl's lost!"

Galwey grew grave.

"It can't be shaken—and West knows it," he said. "She told the truth. I've tested her again and again—I'm absolutely satisfied. If she's cross examined the only result will be to heighten the sympathy the jury already feels for her. You can't blame West. He has no case. He's doing as well as any man could do. I'm sorry for him."

"He means that, you know," said Cameron. "You're a good scout, Galwey."

"Well, but, good God!" said Galwey. "Do you think I enjoy this sort of thing? I'm doing it because it's my job, but I'm a man, and I've got some imagination. I'd rather be shot than harry that

jury to send Mary Dugan to the chair—which is what I'll be doing in a day or two."

"Just the same, I'd rather see West put up a fight," said Cameron. "By your own showing he's beaten as it stands—how could he be any worse off?"

Galwey looked at us.

"That girl's guilty," he said. "I've proved that. You know it, the jury knows it, every one knows it. But—there's still some element of sympathy to help her, to give her just a chance in a thousand not to get first degree. West could destroy that—and he knows it. Listen. Get it out of your heads that West is falling down. I don't know any man I fear more than West."

But he didn't convince me, any more than West had ever convinced me. And the greatest hope I still had for Mary Dugan was that West couldn't convince young Dugan either. I would have given anything I owned, in that moment, for the chance to have that boy to myself for five minutes. He felt, I think he knew, that he was right. But I could have made him surer even than he was.

Galwey went back to his table. A messenger came in and handed him a telegram, and, after he had read it, he came back.

"Here's something you fellows may want," he said. "I wired San Francisco for information about

this Dugan boy. Here's the answer—I'll read it to you: 'Your wire. James Dugan well and favorably known here. Junior member of law firm of Hayes, Black and Hayes. Not well known as lawyer in court, but well spoken of by bar. Excellent social position. Member of several good clubs. Unmarried. Has played polo. Has been away on yachting cruise through islands. Recently returned and hurried to New York, giving no reason for trip. Graduate of University of California and law school of same.' Doesn't seem to add up to much, does it?"

It did for me, even if it didn't for Galwey. But then I knew a good deal already that Galwey didn't know, and, with any luck, I was going to know still more before I was many hours older. It added up for me to a total, a sum, so significant, so tremendous, that I caught my breath. The heroism of that girl—that same Mary Dugan they were trying for her life for a murder with which she had had no more to do than I, or Galwey, or West, or Judge Nash himself!

"They're taking their time," said Galwey. He was growing nervous; he went over now to speak to Mrs. Rice, who had left the stand, but was still in court, sitting, completely relaxed, it seemed, apart. Galwey spoke to her reassuringly; she looked up and seemed to be asking him some ques-

tion, and he nodded as he answered. The jurymen were restless; through the whole court there was an atmosphere of tension and expectancy. No wonder! The people who had been afraid that the trial of Mary Dugan would be a dud, that it would offer none of the usual sensations of a murder case, could stop worrying now, I thought.

Then there was a stir. Mary Dugan was brought in, with her brother close beside her, and West, looking anxious and angry, following them. The girl's eyes were shining; her whole face was lighted up. The boy was grimly determined. And my heart leaped; it looked as if Jimmy Dugan had stood firm.

Now, in a moment, Judge Nash came in, quickly, looking, as he always did, bored and impatient at the routine of ceremony his goings and his comings entailed. He looked very grave.

"Mr. West," he said.

"May it please the Court," said West, "I desire only to make my position clear. I have no interest in this case but that of my client. I have served her to the best of such ability as I possess. In relation to the regrettable dispute that has arisen I have only insisted, as I felt my duty to my client required that I must, that while I was responsible for her defense I must conduct the case as I saw fit."

Nash glanced at Dugan.

"If your Honor please, my sister and I both have the greatest respect for Mr. West's ability and the most complete confidence in his desire to do what he believes to be right. But we both felt, and feel, that the testimony of the last witness was so damaging—"

"One moment," said West. "I had not quite finished."

"I beg your pardon—" said Dugan.

"I have only this to add," said West. "I feel that it is, it must be, apparent to any qualified and experienced member of the bar, as it is to me, that the defendant is placed in deadly jeopardy by the interference of her brother. I was obliged, therefore, to take the position that unless I were allowed to proceed with her defense in my own way I must respectfully ask to be allowed to withdraw from the defense."

"That is all you have to say, Mr. West?" said Nash.

"That is all, your Honor."

"Mr. Dugan?" said Nash.

"With deep regret, and with, as I have said, all respect for Mr. West, I and my sister both feel," said Dugan, "that her defense demands measures other than those Mr. West has contemplated. I am, as I have told your Honor, a member of the

California bar. Telegraphic credentials can, if your Honor wishes, be supplied. I respectfully ask your Honor's permission, and Mr. West's consent, for me to intervene in the cause of the People against Mary Dugan, as counsel for the defendant, Mary Dugan."

Galwey jumped up.

"I think, your Honor," he said, "that the prisoner should be thoroughly enlightened as to the serious results which may come from this abrupt and ill considered change of counsel."

Nash bowed to Galwey.

"Once more, Mr. Galwey," he said, "the Court finds itself in full agreement with your views. It will repeat, in open court, what it has already said in private." He turned, gravely and solemnly, to Mary Dugan. "Young woman, the Court desires to state to you again that, in its judgment, your defense has been conducted with diligence, with zeal, and with great ability. It can see no need or justification for this change. The Court feels that it would be derelict did it not warn you that you are on your trial for your life, and that to entrust your defense to a young and comparatively inexperienced attorney is a grave thing to contemplate. With this warning in mind, do you still wish to make this change?"

Mary stood up and looked at him. Just for a

moment she glanced at Dugan, and he took her hand.

"Yes, sir," she said. "Yes, sir, please."

A murmur ran through the court. Nash nodded wearily.

"Mr. West?" he said.

"With the Court's permission," said West, "I will withdraw from this case, yielding to the judgment of my client and her brother, and will consent to the substitution of Mr. James Dugan, of San Francisco, for myself as defendant's counsel. I hope that I may be permitted to thank the Court for its commendation of my efforts in the prisoner's behalf, and most respectfully to ask that the Court's remarks be embodied in the record of this trial."

Nash bowed. "They are so embodied, sir," he said.

"I thank your Honor," said West. He turned, picked up his brief case and his hat, and, without another glance for Mary Dugan or her brother, walked through the rail and out of the room.

Dugan was still standing. He looked at the empty witness chair; then around the room until he saw Mrs. Rice. Galwey came over to him.

"Am I to understand, sir," Galwey asked, "that you wish to cross examine Mrs. Rice?"

"You are," said Dugan.

Galwey turned and went to Mrs. Rice, and aided her as she made her way slowly, with faltering steps, to the chair.

"I ask," said Dugan, "that the witness be again instructed to uncover her face."

Nash, all sympathy, his resentment of Dugan's tone plain, leaned forward. "Mrs. Rice—" he said.

But she was already raising her veil. Dugan moved close, until he stood, staring directly at her.

"You seem ill, Mrs. Rice," he said, coldly.

"I—yes, I am not well."

"Yet you seemed well while Mr. Galwey was examining you. Do you find the air in the court oppressive, Mrs. Rice?"

"I—I don't know—"

She seemed on the verge of a collapse. Galwey was eyeing her closely and anxiously; Nash seemed concerned.

"Surely," said Dugan, "you cannot be afraid that I will ask you any questions you would prefer not to answer? It couldn't be that, surely?"

She made an effort.

"No—no—it's not that—"

"That's right. I'm glad of that," said Dugan. "Because I'm quite harmless, as you can see. Only an inexperienced boy. You can see that, can't you, Mrs. Rice?"

She said nothing, only looked at him with staring eyes.

"I beg your pardon," he said. "Perhaps you didn't hear my question. Shall I repeat it, Mrs. Rice?"

"I"—she was still trying to pull herself together—"I don't know what you want me to say—"

"Oh, the truth, dear lady, always the truth. You do feel ill then?"

"Yes."

"Yet you seemed perfectly well and strong under the ordeal of Mr. Galwey's inquisition into the most private details of your life! Can you tell us the exact moment in which you began to feel ill?"

Galwey was on his feet at that, angry and impatient.

"Oh, what's the use of that, young man?" he said. "If your Honor please, I am willing to make many allowances for this boy, but cross examination of this sort is childish—it is not based upon the witness's previous testimony—"

"All right, all right," said Dugan. "I'll get on with it." He turned to his sister. "Mary, please stand up."

Wondering, she obeyed.

"And come here." She took a few steps, and he took her by the arm, and made her stand facing

Mrs. Rice. "Now, Mrs. Rice," he said, "will you repeat, face to face with this defendant, the exact words your husband used concerning her the last time you saw him?"

"What's he getting at?" said Cameron.

I didn't know. And neither, plainly, did Galwey. His half contemptuous look was giving way to one of puzzled doubt. Mrs. Rice, bewildered and shaken, was still. And the boy leaned toward her.

"Well?" he said savagely.

And at that Mrs. Rice, with a little moaning cry, slumped forward. Galwey sprang to catch her, looking angrily at Dugan. Dugan stood still, unmoved. He glanced at Mary; as he motioned her back to her seat he smiled. Mrs. Rice, half fainting—and if there was any pretense about her condition she was a better actress than any I had ever seen on the stage—leaned back in her chair.

"If your Honor please," said Galwey, "I am convinced that the witness is quite unable, at this time, to endure the strain of cross examination—especially a cross examination of the sort to which my learned young friend seems determined to subject her. I ask that an adjournment be now taken until to-morrow morning."

Nash seemed to hesitate.

"You are quite sure that Mrs. Rice is really ill, Mr. Galwey?" asked Dugan.

"Can't you see that for yourself?" said Galwey, angrily.

Dugan smiled.

"Well," he said, "she does seem to be upset."

"No wonder!" said Galwey. "She tells me, for one thing, that your outrageous performance in bringing your sister—that she has never before been face to face with a lewd woman—"

Dugan turned on him, sharply.

"Oh! That's the way you want it, eh?" he said. He turned to Nash. "Your Honor, the defense protests most emphatically against any adjournment at this time!"

Nash looked at him impassively.

"You are convinced, Mr. Galwey," he said, "that the witness is not in a condition to go on?"

"It seems perfectly apparent, your Honor."

"I think so, too. We will adjourn until tomorrow morning."

"But it is understood, your Honor," said Dugan, "that the witness will then be ready for my cross examination?"

"That is my understanding," said Galwey.

"Is it yours, Mrs. Rice?" asked Dugan.

"Yes."

Nash rose.

A Metro-Goldwyn-Mayer Picture. *The Trial of Mary Dugan.*

JIMMY APPOINTS HIMSELF AS DEFENSE COUNSEL FOR HIS SISTER MARY.

XIX

WHAT GEORGE MARTIN KNEW

I TRIED for Dugan the moment I could. But so did every one else. The boy was mobbed. And he was suspicious of every one, small blame to him, and disposed to be sullen. Picture what he had done, this youngster with nothing of experience, of a record of success, behind him. Think of the responsibility he had assumed. I could imagine what Nash had said to him in his chambers. No boy I had ever heard of had ever been called upon to do a harder thing than Jimmy Dugan had just done.

And he had all of a high-strung, sensitive boy's horror, of course, of being conspicuous, of seeming to pit his own will and judgment against those of older men. Youth isn't half so impulsive, half so sure of itself, as older people like to pretend it is. No matter what the issue involved had been, this thing that Jimmy Dugan had done would have been a hard thing, a trying thing. And with his sister's life the stake that hung upon whether he had been right or wrong—!

I fell back as I saw the way he was meeting those

of the newspaper crowd who had reached him before me. There wasn't a bit of use in going on. Not just then. I'd have to take my chance of getting to him, finding him, wherever he was, making him listen to me, later. I could do it. Two minutes alone with him—it was all I asked. If he would listen to me so long as that he'd hear the rest. And—he was on the right track. Mary Dugan had told him that that had put him upon it. I was triumphantly sure of that.

He went back with her to the Tombs, they told me, after the excitement had died down. It was what I'd supposed he would do, of course. There was so much he had to know, so much in which he must, by ten o'clock next day, be letter perfect. He had need, desperate, urgent need, to know, by then, the whole record of the trial. And that didn't mean just the evidence, but also the immensely significant and revealing things that had come out in the testing of the jurors. And there was all, besides, that Mary Dugan had to tell him—would tell him, too, I was sure, now that he knew the central, salient fact she had concealed from him so long, even though she had told no one else.

I did, as a matter of fact, try to get a note to him, about six o'clock. But the effort was about as successful as I'd thought it would be. He sent out word—pleasantly enough, the man I paid to

take my note to him told me—that he was far too busy even to think of seeing any newspaper man that night.

"Damn it—I told him I wasn't writing as a reporter—didn't want to interview him!" I said. "Didn't he read my note? I've got information he ought to have—"

"Oh, sure," the keeper said. "He read your note. But, listen—this town's full of clucks trying to slip him the dope that'll get the girl off. How's he to know you're any different from the rest of the nuts?"

I couldn't answer it. How, after all, was he to know? I wondered if, in the light of what was happening now, there was anything more that I could do. I didn't think so, but, just to make sure, I decided to run over the ground again; see some of the people I had already seen; try just one more winnowing.

The first place I went was the Club Printain. That seemed to me just ordinary good sense. What had happened downtown must be echoing along Broadway; they must be whispering about Jimmy Dugan in every speakeasy from Fifty-ninth to Forty-second, from Lexington to Ninth. And I was still, you see, as sure as ever I had been that if Juan Perez had not killed Edgar Rice he knew who had.

I caught the latish dinner trade at the Club—and Ed Very himself, as luck would have it, though he wasn't always there at dinner time early in the week, by any means. His eyebrows went up when he saw me; soon, but not so soon as to make his attention to me conspicuous, he came over to my table. I was dining; there's no better food to be had in all New York than you get at the Printain if they know you. They don't, to be sure, waste it on those who won't, they think, appreciate it.

"Ca marche, enfini!" he said. "At last there is what you call somethin' doin'. Hein?"

"I hope so, Ed," I said. "Tell me—I'm not going to stay. Do you know anything?"

He shook his head.

"No more than before," he said.

"I'd hoped—I don't know—I rather hoped all this excitement to-day might start something around here, uptown," I said. "About Perez, for example. He's had time, since we started after him, to make a few more enemies."

"Without doubt," said Ed. "But—?" He shrugged. "To what end?"

"I don't know," I admitted. "You heard about his alibi?"

"But yes," said Ed, and shrugged again. "That one—she would swear anything. Yet—do you know—I think, my friend, you are on the wrong

track. I think it is not that Perez he kill Mr. Rice, but that he know what would point to the killer."

"I'm half inclined to think so myself," I said. "He still has money, hasn't he?"

"Of a certainty—but yes," said Ed. "Almost every night he is here." He gave me his flashing smile. "He is of a forgiving disposition, this Perez. Before I would pay money to a man who had said to me the things that I have said to that one—"

"Ye-es," I said. "That's one for your theory, too, of course. And I never could see why the devil he should have killed Rice! There was nothing in it for him. Well—if you do hear anything—hello!"

I stared. For I'd just seen a familiar back at a table across the room. Ed followed my look and grinned.

"M'sieu West!" he said. "He honors us sometimes. To-night—he feels, perhaps, a little low, to-night. After all—it is not so pleasant, what came to him la-bas to-day!"

It seemed to me that Ed put it conservatively. I'd been almost sorry for West at the end, in court. And there was no getting away from it that he'd behaved well—he'd kept his temper extraordinarily well, all things considered, and saved his dignity intact. Nothing in his whole conduct of the case, however, so became him, in my view, as his leav-

ing it. But that, when you think of it, is a tragically common epitaph, or should be.

He turned and saw me, as I was starting to go out, and I was shocked by the look on the man's face. He was pale and drawn; he looked almost haggard. I hadn't dreamed, in court, that he was taking it so hard. Something drew me over to speak to him; the feeling one has, I suppose, for any one one knows who has had to take a knock.

"Hello, Barrow," he said wearily. "Well—I suppose it's your turn. You ought to be able to give that boy just the help he needs to send his sister to the chair!"

"Oh, what's the use of taking it like that, West?" I said. "We've disagreed about this case, but I've always respected your motives. I think you've been wrong, but I've known all the time that you thought you were doing the right thing. And—well, I suppose there's as good a chance that you're right as that I am."

He looked at me out of his lusterless eyes.

"I think so," he said. "Well—we shall know before many more days. Have you dined?"

"Yes—I've just finished."

"I'm late," he said. "Well—look me up some time, Barrow. You're right. It's foolish to be bitter." He held out his hand. "No hard feelings?"

"Good Lord, no!" I said. "Not on my side!"

On the sidewalk I almost ran into Perez and May Harris. She smiled; he scowled, and gave me a cool, insolent nod. But I got a feeling that he wasn't as sure of himself as he wanted me to think he was; I was ready to swear that something was troubling the little beast. The thought persisted as I drove across town in a taxi—to the apartment house in East 76th Street where, supposedly, Mrs. Rice was, or soon would be, trying to sleep, with young Dugan's cross examination in the morning to think about.

I wanted to see George Martin again. I'd drawn blank at the Club Printain; perhaps I'd have better luck with George. At least, it seemed to me, it was worth trying.

He fairly trembled with excitement when he saw me.

"Were you there, sir?" he said. "Oh, I'd have given anything to be in court to-day! It must have been thrilling, sir!"

"Look here, young fellow," I said, "I didn't come here to give you information—I came to get some. What time do you go off duty?"

"Twelve o'clock, sir."

"All right, George. At twelve o'clock I'll be across the street in a cab, waiting for you. And

we'll go somewhere where we can talk without being seen—or heard."

I tried to say that as I imagined one of George's favorite screen villains would, and I think it got results.

"That's right, sir," he said. "That's better, sir. You can't ever tell, can you, sir? I'll be there, sir. "Not"—he had a struggle, and honesty won—"not that I think there's anything I can tell you, sir."

"I'll take my chances on that," I said. "It might run to a bit of night life, if you've any leanings that way, George."

I left him, I am sure, a confirmed clock watcher for the rest of that night. And certainly, when I came back at midnight he didn't keep me waiting long. I don't see how he had had time to get out of his uniform and into the striking and very natty suit of checks he wore when he tapped at the cab window, opened the door, and got in beside me.

I gave George his money's worth. I wanted him to like me—for myself alone, as it were, regardless of my ten dollar bills, or, rather, the *Star's*. So, before I broached any questions at all, I took him to the gayest of the Broadway night places, and let him revel in what represented to him, I suppose, gilded vice at its gaudiest. Then, affecting a fine boredom, I turned to him with a yawn.

"Well, George—how about some food?" I said.

"Not here—they don't know the meaning of the word. But whenever you've had enough of this we'll go where you can get something worth eating, and where we can talk."

"Right, sir," he said, though I could see it took an effort for him to be willing to go. "So this is the way they do, sir, is it? This is the primrose path poor Mr. Rice trod to his death?"

"Approximately, I guess, George," I said. I paid the check, and we went out, and around the corner to Billy Grew's, and got a table well back—I've learned to avoid the compartments along the walls of places like Billy's. For, for some reason I can't quite understand even now, I'd been increasingly sure, ever since I'd first seen George that night, that he was going to tell me something.

"Well, George," I said, "you've read the evening papers—so you know as much about what happened to-day as I do. How did it strike you?"

"I don't know, sir," he said, his eyes wide. "Except that it was strange, sir. Do you think Mr. Dugan thought Mrs. Rice wasn't telling the truth?"

"It's what you think I want to talk about, George," I said. "Well—I tell you. Let's go back a bit. Let's go back to the night of the murder. Are you sure you told me everything that happened that night? Everything that could have any bearing on Mr. Rice's death?"

"Positive, sir. There wasn't so much. Just the foreign gentleman's coming, and then Mr. Rice going to his death, that way, sir. That's all, sir."

"You didn't see or hear from Mrs. Rice at all that night? She didn't go out?"

"Oh, yes, sir. She went out, like she always did."

I jumped, and managed to spill some coffee on my hand to cover it. I didn't want to frighten George off.

"How do you mean, George?" I said.

"She always went out, the last thing at night, sir. Just for a few minutes—time enough to walk around the block once or twice, perhaps, or over to the park, maybe. She was a poor sleeper, sir."

"Did she go out to-night, George?"

"Oh, yes, sir. I can't hardly remember a night she's missed."

"And you're absolutely certain she went out the night Mr. Rice was killed?"

"Yes, sir."

"Do you remember how long she stayed that night?"

"About half an hour, sir. She went out a few minutes after Mr. Rice, and she came back just as I was getting ready to go off duty."

"Why didn't you tell me this before, George?"

"You didn't ask me, sir."

"But I told you to tell me anything that might have a bearing on the case."

"But Mrs. Rice's going out at night didn't, sir. She did it every night."

"And always at about the same time?"

"Just about, sir. About half past eleven it would be."

"And she was always back before you went off duty?"

"Oh, yes, sir. Always."

"There's one other thing I'd like to know, George. Has Mrs. Rice kept the same servants since Mr. Rice was killed?"

"The butler's gone, sir. I suppose, being in mourning, sir, he wasn't needed. And there's a new housemaid. The cook's the same, sir, though, and Mrs. Rice's maid—that French woman."

"What's her name, George?"

"Marie, sir."

"A young woman?"

"No, sir. A middle-aged lady. Very pleasant she is, too, sir, but a little hard to understand. I suppose you speak French, sir, though?"

"A little," I said. "Well—how about some more oysters, George?"

"Oh, no, sir, thank you, sir. You—you've entertained me regally already, sir. And I did

tell you, didn't I, sir, that I didn't know anything more that would be of any use to you?"

"You did, George. Your conscience needn't trouble you. All right—if you've had enough let's shove off."

One thing was sure. Even if I hadn't got to Jimmy Dugan my night hadn't been wasted. I didn't even regret not having known before of Mrs. Rice's habit of going out every night between eleven and twelve. West would have refused to use that knowledge. But I didn't think Jimmy Dugan would refuse. And—she had been out to-night! She, who had been too ill to testify!

XX

THE STATE—RESTS!

TEN o'clock in the morning came, and still I hadn't seen Jimmy Dugan. But—I had sat up a good part of the night, and I'd typed, in the abysmal gloom of a newspaper office when every one has gone home and there isn't even a poker game going in some corner, as clear and coherent and complete a statement of what I knew as I'd been able to put on paper. And that statement had reached Dugan.

There was an air of not too well suppressed tension and excitement in the court room when I got there. They hadn't let any spectators in, but those of us who had the entrée had to fairly fight our way through a milling crowd in the corridor outside, and it was very noticeable that for once even the reporters were coming in ahead of time, to say nothing of the jury.

Galwey was on hand early, too, looking considerably better than he had the afternoon before. He was talking to Cameron when I got there, and I went over and joined them.

"Hello, Barrow," he said. "Well—this ought to be an interesting session."

"I think so myself," I said.

"We got a long report about young Dugan," said Cameron. "I suppose you did, too, Steve? I haven't seen another paper—I was so darned tired last night I hit the hay the minute I turned in my stuff."

"I saw what you both had," said Galwey. "It didn't add much to what we knew, I'd say. Except—well, as far as I can make out this boy's never actually tried a case on his own! He's got his nerve!"

"I'll say he has," said Cameron. "I'm not anxious to go to Albany and be the governor's secretary, Bill, so I can say it—you've got to hand it to any green lawyer who's willing to go up against Bill Galwey his first time out!"

"Oh, I'm no worse than any one else would be—not in this case," said Galwey. "If I couldn't try this one I ought to go out and look for a job driving a truck. West was doing damned well—the more I think of it the more I see that. It looks pretty bad for the girl, if you ask me."

"I'll say it does," said Cameron. "Too bad, too. She's got something, when it's all said."

"She hasn't got enough to swing this jury," said Galwey. "And—I've got a hunch this boy's going

to do the one thing that can put her in worse than she is now—the one thing no one could have made West do—and that's to put her on the stand."

"Right!" said Cameron. He yawned. "Well—it can't hurt her much and it'll help the story!"

They were letting the crowd in now, and soon Mary Dugan was brought in. She did exactly what I, too, had done—looked about for her brother, and she was plainly disappointed when she didn't see him. I wondered myself where he was; he was in danger of being late. Madden, Galwey's assistant, came in with a note, which he handed to Galwey, and Galwey read it, frowning, and spoke to him for a moment. Everything was set; Nash, a stickler for punctuality, would be in at any moment; every one was already beginning to turn to look at the door through which he would come.

And then Dugan came, with a rush. He'd been up all night, as I well knew, but he was fresh and smiling. He was a good looking kid, brown as a berry, from that South Seas cruise, I took it, and magnificently fit and healthy. And he was flushed with confidence if I'd ever seen any one so. He grinned at Mary Dugan, but didn't stop with her; just patted her shoulder and came on over to our table.

"Which of you gentlemen is Barrow, of the *Star?*" he asked.

I got up, with hostile eyes doing their best to stab me, and he put out his hand and shook mine; then drew me off to one side.

"I got your letter," he said. "Thank you—and thank God! You've got the stuff I needed—and had no time to get myself. I'll see you during the luncheon recess and give you what I've got. I think that, between us, we've nearly got the whole thing. I've subpenaed Mrs. Rice's maid, by the way. Is Mrs. Rice here?"

"By Jove—she isn't!" I said, realizing it for the first time. "But Galwey may have her outside somewhere, waiting, of course. He's being very careful with her. She's his best witness."

"Or his worst!" said Dugan, with a grin. "I think that's to be settled yet. I've got to go—" He shook hands again. "Thanks, Barrow. And —at lunch—"

I went back to my seat. Cameron stared at me, his mouth open; the others began firing questions.

"Foxy Quiller Barrow!" said some one. "For the love of Mike—how do you get that way? No one else has been able to get near that kid—!"

"The School of Journalism's up on Morningside Heights," I said. "And I think there's one down on Washington Square, too. Don't mention it. Always glad to give a hint."

That sounded cocky. But that was the way I

felt. I had an almost unbounded confidence in that kid. And, for the first time since the hot trail of Juan Perez had grown cold I was daring to let myself hope—and believe!—that we were going to bring it off.

Judge Nash's entrance stopped the chatter at our table. We all stood up till he was seated; then we were too intent on what was about to happen to want to talk. Dugan looked about; Galwey, after a glance at him, rose and addressed the court.

"May it please the Court," he said, "I gained the impression yesterday that the principal reason for the somewhat startling change in the legal representation of the prisoner was her former counsel's decision not to cross examine Mrs. Gertrude Rice. Equally, I now assume that Mr. Dugan wishes to proceed with that cross examination. And it is, therefore, with deep regret that I have to advise the Court that upon her return to her home last night Mrs. Rice suffered a complete collapse and breakdown. I have here a letter from her physician certifying to the impossibility of her appearance in court to-day, and expressing grave doubts as to the prospect of her recovery to a degree allowing her so to appear for several days."

Dugan came forward; Galwey handed him the letter I had seen him take from Madden. Dugan read it; then dropped it, disgusted, on the table.

"I understand the learned District Attorney's embarrassment," he said. "I am, of course, extremely anxious to proceed with the cross examination of Mrs. Rice, and yet—"

"One moment, Mr. Dugan," said Galwey. "I was about to suggest that, with your consent and the Court's permission, we proceed with the trial, postponing the appearance of Mrs. Rice until such time as her health permits her appearance."

Nash bowed. "Mr. Dugan?" he said.

"I will offer no objection to that course, your Honor," said Dugan, "provided that it is understood that I am to be allowed to interpolate Mrs. Rice's cross examination at any stage of the proceedings at which I see fit so to do."

Galway gave him a nod.

"I was about to suggest precisely such an arrangement," he said. "If the Court approves—?"

"I will permit that stipulation," said Nash. "Proceed, Mr. Galwey."

Dugan took his place beside his sister. Galwey faced the jury; then swung around, as if on an impulse, to the bench.

"The People rest," he said.

He turned to stare at Dugan and the prisoner; then, slowly, went to his chair and sat down. A gasp of surprise ran through the room. But I saw

no great reason for it. Galwey's case was in—and a terribly, an appallingly, strong case it was. Dugan rose. He smiled at the girl first; then, with a hardening of his features, he faced Judge Nash. His voice rang out, clear and compelling.

"I move that the case against this defendant be dismissed for lack of evidence," he said.

"Denied," said Nash, instantly.

"Exception," said Dugan. He paused. "May it please the Court—Gentlemen of the jury—"

He turned away from Nash and faced the stolid jurymen.

"Gentlemen, I have been up all night. The stenographer has read me all the evidence that you have heard. It is pretty terrible, isn't it? You can't know just how terrible it is to me; that is something that, just now, you can't understand, though you will later. But you do know, you have imagination enough to know, something of how appalling it was, even so. And, after I had heard it, I talked for a long time with my sister.

"Gentlemen—she did not kill Edgar Rice, and she does not know who did. You have heard what she told the police. It was the simple, literal truth, and it was none the less true because, as both she and I will admit, it was so difficult for any one to believe it. One thing she would not tell them. She would tell no one who Jimmy was. So, naturally,

they believed that this mysterious Jimmy was her lover. I'm afraid Inspector Hunt and the District Attorney and all the others must have been very disappointed to find that this Jimmy was not a lover, but only a younger brother.

"Now, gentlemen, it makes very little difference, in a way, that this is so. And yet—it does matter. It is full of meaning. Because, gentlemen, for all the damning facts you have heard, the most damning things, I think, have been the opinions of witnesses for whom, and with reason, you had much respect. And I am only suggesting that if their opinion was a mistaken one about one thing—as it clearly was about Jimmy's being my sister's lover —it may also have been mistaken about other things."

He paused for a moment. This was good stuff. I could see that Galwey was impressed, and the boy was getting a quality of strained attention from the reporters and every one else that no one who had spoken before him had been able to secure.

"Still, I will not try to hide from you that when I heard all the evidence that, bit by bit, the District Attorney had piled up, I could not, at first, see any way out. What defense could I bring forward? My sister has no witnesses, nor have I any witnesses. I have only a certainty in my heart that

my sister did not do this terrible thing that she is charged here with doing. You may say, and with some truth, that my love is a blind love, and my faith a blind faith, and the Court will tell you that love and faith do not form evidence.

"But there have been, there still are, witnesses. They have all been sworn upon the Bible that the Clerk of the Court keeps ready—that ancient testament of our faith. And when they were sworn the Clerk said to them, a little hurriedly, perhaps: 'Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?' And each of them replied 'I do.'

"Now I think, I will believe, that most of the witnesses—no, I will go farther, and I will say, all but one of the witnesses, told the truth and nothing but the truth. But I think that very few of them told the whole truth. And that is what we all want, the whole truth. And—it is what it is my firm, my unalterable determination to have!

"You all know, gentlemen, why I, and not Mr. West, stand before you now, to plead with you for my sister's life. A great lawyer of this city came to me last night—a man who is a friend of my chief in San Francisco. He told me that I had been wrong yesterday, that Mr. West had done no wiser thing than he did when he refused to cross examine Mrs. Gertrude Rice.

"'My boy—West was right,' he said. 'That woman has the sympathy of the jury and the world. If you persist in examining her, handle her with gloves.' But, gentlemen—see, my hands are bare, I have no gloves! I shall prove that to you now. I said I had no witness other than those Mr. Galwey had called. But—I have one. Mr. Galwey—the moment you have hardly dared to anticipate has come! Mary Dugan!"

I had been sure, from the first, that he would put her on the stand. And as I watched her slow progress, as I heard the clear, full tone of her "I do!" as she took the oath, I knew the boy was right. His faith transcended reason—as true faith must always do.

XXI

THE STORY OF MARY DUGAN

GALWEY sat still, leaning back, tight lipped, alert, intent. For once, as Mary Dugan seated herself, there was no stir in the court. Nash swung his chair around to regard the girl. His glasses veiled his eyes. I wondered what he was thinking.

"You understand," Dugan began, "that you have sworn to tell the truth, the whole truth, and nothing but the truth?"

Her voice trembled a little as she answered "Yes."

"Mary," he said, "did you kill Edgar Rice?"

"No."

"Do you know who did kill Edgar Rice?"

"I do not."

Still her voice was trembling, and he paused.

"What are you afraid of, Mary?" he asked. His voice was conversational, almost casual.

"I don't know—" she said. "I—"

"Don't you know that if you are innocent there isn't anything for you to be afraid of?"

She only nodded.

"What is your real name?"

"Mary Elizabeth Dugan."

"How old are you?"

"I'm not very sure. About thirty, I think."

"Where were you born?"

"Here in New York. In a tenement house on West Fourth Street."

"Do you remember your father?"

"Yes."

"Was he a kindly, indulgent, loving father?"

Her eyes flashed. "He was a drunken brute!" she said.

"And your mother? Do you remember her?"

"I—Jimmy, I don't want to talk about my mother. She died when I was fourteen."

"And your father died before that?"

"I think so. I don't know. He went away. I never saw him again, or heard of him, after he went. And that was two years before my mother died."

"So that, then, you were left, at the age of fourteen, without either a father or a mother?"

"Yes."

"Did you have any brothers and sisters?"

"I had—I have—one brother."

"And I am that brother?"

"Why—how funny— Yes, of course you are."

"You were an orphan, then, at fourteen, with

one brother. But you had friends? There were friends of your father and your mother to help you, and advise you, and give you comfort?"

"No. There was—there was no one."

"So you were alone in the world, with your brother?"

"Yes."

"And how old was he at that time?"

"Eight."

"Did you have any money?"

"No. I had no money at all."

"What did you do with your brother?"

"They took him away from me. The man came from the Children's Society and took him away."

"Was that done with your consent—by your wish?"

"No. He was—you were my brother, and I loved you, and I wanted to take care of you."

"How could you have done so, if you had no money, and no friends?"

"I had a job. In a department store."

"But they took your brother away. Did you ever get him back?"

"Yes. Two years later."

"How did you live yourself in those two years?"

"On my wages."

"You worked pretty hard?"

"Yes. I worked pretty hard."

"And during those two years, did you see your brother at all?"

"Yes. Every Sunday."

"Where was he?"

"In a Home, away up in The Bronx."

"How did you get there to see him?"

"I walked."

"And how much wages were they paying you when you finally got your brother away from the Home?"

"Nine dollars a week by then. I started at six, but I'd had two raises. A dollar and a half each time."

"And was that money enough to enable you to get your brother away?"

"No."

"Then how did you do it, Mary—how did you do it?"

"Somebody helped me."

"A man?"

"Of course."

"Why was he willing to help you, Mary?"

"I had something he wanted."

"In just what way did he help you?"

"He got me a better place and he gave me a hundred dollars."

"And how did you use the hundred dollars he gave you?"

"I paid it to a lawyer to get you out."

"And what did you give him in return for that money?"

She looked at him.

"I gave him what he wanted," she said. Galwey shifted in his chair; the cynical, tight-lipped smile had never left his face.

"Did you tell him you were a—that you were—inexperienced?" Young Dugan's voice was trembling.

"He knew it."

"And you had told him you were only sixteen?"

"Of course."

Dugan's voice rose; he took a step toward her.

"What was that man's name? Mary—what is his name?"

She looked at him. There was pity, there were an infinite sympathy, an infinite tolerance, in her eyes.

"Jimmy, I don't want to answer that," she said. "He is a gentleman, and he is the president of a bank now. Why, if a thing like that came out about him now it might ruin him."

Dugan, speechless for the moment, took a step away from her. The Judge leaned forward, closer to Mary.

"You say that the man who seduced you when you were sixteen is a gentleman?"

She looked straight up at him. "Yes, sir," she said.

Old Nash sat back. It seemed to me that he inclined his head toward the girl.

"I don't think," he said, "that the witness need tell the—the gentleman's—name."

The scorn, the loathing Nash put into that "gentleman"! And this was the story West would not have let the jury hear! The story Galwey said would clinch the case against this girl! I wondered how Galwey was feeling now. His face was a mask; he had driven every hint of expression from his eyes. Dugan turned back to his sister.

"How long did your intimacy with this man continue?" he said.

"Two or three years."

"Did he want to marry you?"

"My goodness, no! He had a wife and children."

"Did you go on working all that time?"

"Yes. He didn't want me to stop. He said I was so young I might get into bad habits if I wasn't kept busy."

"And, during that time, where was your brother?"

"You were in boarding school." She half turned to the jury. "You see," she said, "it was just about

then that I said to myself: 'Here's where a Dugan goes up!' "

"And what did you mean by that?"

"Well, I had an idea about you, Jimmy. I had an idea I was going to make a gentleman of you—an educated gentleman."

"And how did you go about doing that?"

"Well, after a couple of years I moved you to a better school, and then to a still better one, and then I sent you to California, when it was time for you to go to college."

Again she turned toward the jury.

"You see—if I'd tried to keep him with me he'd have been bound to find out about things. So—so—I gave up seeing him. I fixed it so that I couldn't see him."

"Go on," said Dugan.

"Then, when he was through at college, he went to Law School."

"And all this time the money you spent on your brother was given to you by some man?"

"Yes."

"Mary—if it hadn't been that you had this brother, that you wanted to do all these things for him, would your life have been what it has been?"

"I—I don't know. I—I guess so, yes. I've thought about that quite a good deal, lately, since I've been in prison. I think a girl gets used to

luxury. Still—I don't know—but I'll tell you one thing—if I'd hated every minute of it last night would have paid me for everything!"

"You needn't go on with that—"

"Oh," said Galwey, with a little sneering note in his voice, "I think the girl might as well finish her fairy tale."

"The witness may proceed," said Nash.

She turned to the jury as Dugan sat down.

"Last night—yesterday, when my brother came, when I knew that he knew the truth about me—it was just Hell for me. And, very late, he came to me, in the Tombs, and his face was like chalk—he was all white and shaky. He knew just about everything by then, you see. He knew what I was. And what little there was that he didn't know already I told him, and then, for a moment, he sat still, and didn't say a word, and I said to myself—'This is the finish.'"

She was crying now.

"And then—what do you think he did? He got up and came over to me, and kissed me. I—I have been kissed a million times in my life, but never like that. And then he gave me a little shake and he said, 'Well, Mary, everything's all right with me.'"

Dugan got up.

"Did I say anything else to you?" he asked

"Yes. You told me I was to go on the stand, and that I must tell the truth about everything."

"Yes. Mary—how long had you been living as Rice's mistress?"

Galwey started and changed his position again.

"About a year."

"And before Rice you had lived with other men?"

She shrank from that.

"Aren't you going to leave me one shred of reputation?"

"My God, Mary—do you think I want to ask you these questions? But if I don't ask them the District Attorney will." Galwey nodded. "You have nothing to hide. I want the jury to know everything. Before you lived with Rice there were other men?"

"Yes."

"How many? Mary—how many?"

"Four."

Galwey laughed.

"And they were all men of means—rich men?"

"Yes."

"And so, from the time you were sixteen, there was always some man in your life—some man with money?"

"Yes."

"And a good part of the money that they gave you was spent on your brother, was it not?"

"Yes—but you never knew it!"

"Never mind about that! You spent it on him —on me. That's all I want to know."

"Yes."

"Were your relations with Mr. Rice happy?"

"Oh, yes. He was always very kind and thoughtful."

"Have you any idea of how much money he spent on you—aside from the actual allowance he made you—a thousand dollars a week, it has been testified?"

"No. Mr. Rice never discussed money with me at all. He hated anything like that."

"Didn't he discuss money at first—when he proposed that you should be his mistress?"

"You don't understand," she said. And, bit by bit, with his questions to bring out the facts, she told the jury the story she had told me, of her meeting with Rice and of the way that he had installed her in the apartment in which he had been murdered. The jury set agape; Galwey continued to smile his ironic, bitter smile. Now Dugan's manner changed, and I sensed the imminence of something new.

"Mrs. Gertrude Rice has testified," said Dugan,

"that on the night of his death her husband went to see you to break off his relations with you. Did he, on that night, tell you that he had any such intention?"

"No. He did not."

"What was his manner that night when he came to your rooms?"

"He was in a terrible rage—terrible. He frightened me, he went on so. He made a frightful scene."

"Had he been drinking?"

"Oh, no. Mr. Rice didn't ever really drink, the way most men do. He'd have a cocktail, or a little wine with dinner, that was all. No, he was wild with rage, not from liquor. And he went on, shouting, and yelling, and making threats."

"Why?"

"Because he said he'd found out that night that his wife was untrue to him."

They meet the situation Mary Dugan's words created in that court very simply, in England. The reporters, you remember, just quote what the witness has said, and then put, in brackets: [Sensation in the Court.] And, as in the case of a great many other English practices, no one has yet discovered a better.

For me that came like a flash of blinding light on a dark night, that makes everything that has been

hidden clear. Here was that hidden, buried bit of truth that was the solvent I had been seeking from the first, that brought every fact I knew into logical and proportionate relation with every other. That it was the truth I was hearing, at last, I didn't doubt for even the fraction of a moment. Galwey half leaped from his chair; just for a moment I think even he knew that Mary Dugan had not lied. But then prejudice and self-interest had their will of him again, and he sat back, grim and tense.

"What did you say?" said Dugan—not because he did not know, but that, now that the stir her words had caused had died down, all might hear.

"I said," the girl repeated, very quietly, "that he told me that he had found out that night that his wife was untrue to him."

"And what did he do?"

"He cursed her, he threatened her. He yelled at the top of his lungs, and the more I tried to stop him the louder he yelled."

"Do you think the people on the same floor could have heard him?"

"I don't see how they could help it, if they were home. I—"

"I object!" Galwey interposed, sharply. So this was getting under Galwey's skin at last! "The witness's opinion cannot be accepted as a fact."

"Sustained," said Nash. "If the witness knows

that any one did, in fact, hear this noise, she may so state."

"But you were afraid that some one would hear? That is a fact?"

"Yes. That was one of the reasons I tried to quiet him."

"Did you succeed in doing so?"

"Not for a long time. He was furious. He kept shouting that he was going to change his will, that he was going to throw his wife out of the house, that she'd never get another penny of his money so long as he lived nor after he was dead."

"Did he know who his wife's lover was?"

"He didn't tell me if he did. He seemed to be thinking just about himself and his wife. He was enraged because she'd made a fool of him."

"Just what threats did he make?"

"He said he was going to throw his wife out in the gutter, where she belonged. And he insisted that he was going to make a new will. He wanted me to get him some paper and a pen, so that he could do it right away."

"And did you?"

"No. I told him he was foolish—that a will he made then would be worthless, anyway. I told him he ought to wait and see his lawyer, anyway, and I knew he ought to have time to think it over. And I told him—I thought he wasn't fair—"

"Object—immaterial!" snapped Galwey.

"Objection sustained," said Nash.

"But he had yelled, loudly, that he meant to change his will?"

"Yes."

"And you persuaded him to wait?"

"Yes."

"And then what happened?"

"Oh, he began to be more sensible, of course. I told him he had his nerve to go on that way about his wife—how was she any worse than he? He loved that. It was just what he wanted—opposition. If I'd agreed with him he would just have gone on lashing himself into a worse rage. He said he was a law unto himself and he could do just as he liked—that no woman he owned could do anything to him. I just laughed when he said that, and I told him he didn't own me and he needn't think he did, and that I'd always do just as I liked. And that took his mind off his troubles about his wife, you see, because he had me to conquer again. And finally he was much more reasonable, and I got him to go to bed. I knew a night's sleep was what he needed most."

Now, very simply, very quietly, Dugan brought out the little that Mary Dugan knew about Edgar Rice's death. She told the oft-told tale again of his illness, of her trip to the drug store, and of her

terrible discovery upon her return. Galwey was fighting hard now; plainly he saw the effect the girl must have created, and as plainly distrusted his ability to smash her on cross examination. From an impersonal point of view I had never admired Galwey more than I did just then; there is something thrilling, always, about the way a man fights who has, up to the last moment, believed his cause won without a fight. He sparred with Dugan; defeated an effort Dugan made to prove that the girl had found the door open on her return.

In a sense, a very real sense, she had told all she knew. "I don't remember," was now her most frequent answer. Had she called upon the neighbors for help, did she remember telephoning to the police? She didn't know; she couldn't remember. And then Dugan went back a little.

"You say Rice threatened to make a new will?" he asked. "Did he tell you to whom he meant to leave his money?"

"Yes. He said he was going to leave it to me."

Galwey's fist came down upon the table with a bang; his eyes shone. Dugan, certainly, had handed him a weapon there. The boy was making good, with a vengeance, his promise to make his sister tell the whole truth. For here—we could all see it—was dangerous, perilous stuff again for Mary Dugan.

"To you?" said Dugan. "Mary, did you believe him?"

"I object!" said Galwey—foolishly, I thought. But Nash sustained the objection.

"You have said that you didn't love Mr. Rice," said Dugan. "What was your feeling toward him?"

"I—I was very fond of him. He was good to me. I don't mean just about money. He was very kind and thoughtful. He talked to me—I don't know—as if I were his equal—about business, and the things that interested him."

"And—Mary—you swear, so help you God, that you did not kill him?"

"I did not kill him."

He went to her, and took her hands, and shook them. Then he turned to Galwey.

"Your witness!" he said.

XXII

NO, JIMMY

GALWEY, rising, was a new man. His suavity had gone; he took two or three steps with a panther's lithe ferocity. His fighting blood was up, and that thing in every man that makes him welcome a fight that has been forced upon him, no matter what the issue, to the exclusion, indeed, as often as not, of that issue, was spurring him on. I looked at the girl, sitting quiet in the witness chair. Her eyes, for the moment, were closed; it didn't take much of imagination, of sympathy, of understanding, to guess at her utter weariness, to know the exhaustion that must have her in its grip after the ordeal she had gone through.

But her eyes were open before Galwey spoke; she drew herself up in the chair; she faced him, ready to do battle with him. I think she had never been in a court room before they brought her to this one to stand her trial for murder, yet, plainly enough, she knew what lay before her. Fear was in her eyes, even terror, but there was something else, too; something high, serene, not to be dismayed, not to be beaten down and out of her.

Galwey began easily enough, with short, sharp, jerky questions. He chose to attack, first, her story of going to the drug store; he never had believed that, I knew, for one moment. Nor had Hunt; the greatest concession they had ever made about the girl's part in the murder had been to say that it was just possible she hadn't done it herself, but had only set the stage for her lover's work. And even that, in court, they didn't concede to be a possibility.

"You say you ran all the way to the drug store?" he said.

"Yes."

"And when you got there you found it closed? How did you know it was closed?"

"There weren't any lights—it was dark."

"Did you try the door?"

"No—yes—I think—I don't remember. Maybe."

"Did you look inside to see if any one was in the back? Did you ring the night bell?"

"I didn't look—I didn't see any night bell."

"Did you look for one?"

"I never thought of that at all, Mr. Galwey."

"How far away is this drug store?"

"On the next corner."

"So you used to pass it, quite often, on your way home? Almost every night, perhaps?"

"Yes."

"Did you ever stop in to buy something on your way home?"

"No. I don't remember that I ever did."

"Why not?"

"It was never open."

"Ah!" said Galwey. He had made his first point. "So it was never open late at night?"

"I—no—I don't remember—" She was confused.

"I see," said Galwey. "You were so worried about Mr. Rice's illness that you ran all the way to the drug store to get him something, and quite forgot to remember it was never open at that time of night!"

"I—I was so frightened that I guess I didn't stop to think—"

"Why were you frightened?"

"I was afraid he might be going to die."

"Yes. You thought he might die. And, of course, you didn't want him to die before he'd made that new will you have told us about?" He paused as she stared at him. "Did you?"

"I—I never thought about the will at all—"

"But the thought of his death was in your mind, wasn't it?"

"I—I don't know what you mean—"

"Never mind what I mean. Answer my questions. You did think of his dying?"

"I—I've told you I was afraid he might die—yes—"

"All right. Let's talk about that will. You have testified that he told you he was going to change his will and leave everything to you—and that would have come, as we know, to perhaps five or six million dollars. Is that right?"

"That's what he said, but I didn't—"

"Never mind what you did or didn't till I ask you. He did say that. And you want us to believe that you wouldn't let him do it? Is that correct?"

"I—why—I've told you—I persuaded him not to do anything right away. I was afraid he was going to be sick."

"Why? Had he ever had an attack of this sort before?"

"I don't—no, I don't think so—I don't remember—"

"Then you'd never thought of the possibility of his sudden death before—it didn't occur to you till he was talking about changing his will in your favor?"

"I'd never seen him act that way before—it was terrible!"

"But you weren't so frightened and confused

that you don't remember quite clearly that he talked of making a new will under the terms of which you might inherit a great sum of money?"

"Of course I remember that, because he talked so much about it. But I told him to wait, not to bother about it then."

"Well, if you thought he was going to die, why didn't you let him make his will?"

"I wanted to get him quiet. I wanted him to rest."

"It was more important to you to have him quiet than to let him make a will leaving you five million dollars or more?"

"I was scared about him. I didn't think about the money."

"Oh, yes—you were scared, and you say you went to the drug store. Did you see any one on your way there?"

"No, sir."

"Or on your way back?"

"No, sir."

"Or as you went up and down the stairs?"

"No, sir. I didn't see any one at all. It was quite late."

"Yes. Well, then, you say, you came back and you found Mr. Rice was dead. You saw the knife in his back. Did you call for help at once?"

"No—not—not then. I didn't know he was dead. I ran to help him."

"And, trying to help him, you pulled out the knife? Was that the first thing you did?"

"I think so. I don't remember."

"You said you held his body in your arms. For how long?"

"I don't know."

"Anyway, you finally realized that he was dead. Did you scream for help then?"

"I don't know. I can't remember."

"There were other apartments on the same floor, weren't there?"

"Yes."

"Did you go to any of them to get help?"

"I don't think so. I can't remember. I was terribly afraid."

"Doesn't it seem strange to you that if you thought Mr. Rice was dying your first impulse wasn't to run for help?"

For the first time young Dugan was up, at that.

"Objection," he snapped. "The witness has said she cannot remember."

"Objection sustained," said Nash.

Galwey took a half turn away, a mannerism of his when anything checked the flow of his questioning. Then he swung back.

"Well, you have said that you found Mr. Rice

dead, that you helped him by taking out the knife, that you held him in your arms, and didn't, so far as you remember, cry out for help or seek it in one of the nearby apartments. Did you, later, call up the police?"

"I think so. I must have."

"How long did you hold that dead man in your arms?"

"I don't know."

Galwey gave her a piercing look.

"Do you know the name they apply to women who sell themselves for money?" he said, raspingly.

"Don't answer that question!" cried Dugan. "We object on the grounds that—"

"Sustained," said Nash.

"You have testified that at the age of sixteen you sold yourself for a hundred dollars?" He waited; Mary Dugan said nothing. Savagely he pressed it. "Well—you did. Didn't you?"

You could hardly hear her whispered "Yes."

"And you have, since then, from time to time made what the automobile dealers call a resale, haven't you?"

"I object!" said Dugan.

"I think he can ask that question," said the judge.

"Exception, your Honor. The District Attor-

ney knows that this is not a proper form of cross examination, and I warn him here and now that I won't let him step into the Governor's chair of this state over the dead body of my sister!"

Nash, frowning, rapped for order. Galwey smiled.

"Well, I'll put my question in another way," he said. "You understand, of course, that I wouldn't do anything in the world to wound the sensibilities of a woman—like you. Have you or have you not from time to time lived as the mistress of other men than Mr. Rice?"

"Yes."

"You testified, didn't you, that there had been four such men?"

"Yes."

"Are you sure of the number? Sure it wasn't seven or perhaps eight?"

"There—there were four men."

"How did you meet those men?"

"I don't remember."

"Did you pick any of them up on the street?"

"Object," said Dugan. "The witness will refuse to answer on the ground that to do so might tend to degrade and incriminate her."

Galwey stared at him in well-simulated amazement; then turned to Nash.

"I fail to see, your Honor, how any reply the

witness could make could degrade her more than she has already degraded herself. I think I have a right to know the methods by which she plied her trade."

"I withdraw the objection," said Dugan, scornfully.

"Well, then?" Galwey said, to the girl. "I asked you if you had ever picked up any trade in the street?"

"No, I never did."

"So all the men to whom you sold yourself had been properly and duly introduced to you? Is that so?"

"I—it's not easy to explain, Mr. Galwey."

"I can quite understand that. Perhaps I can help you. I'm always glad to help a lady. You told us of the naïve and refreshing way in which your transaction with this dead man was arranged. Were the others, am I to assume, as delicate as he? Or were they more businesslike, more practical? Surely you can tell us that. What offers they made to you—what induced you to—shall I say?—accept their attentions?"

"They—they were in love with me—and they wanted me to have things."

"Oh! So that was the way of it! Now it's all perfectly clear! They loved you and wanted to give you things!"

"Yes."

"It has been testified that Mr. Rice paid you a thousand dollars a week—to say nothing of your incidental perquisites, a Rolls Royce and a few trifles of that sort. What did the others pay you?"

"I don't remember."

"Oh, come!" said Galwey. "Do you expect us to believe that? A woman of business like yourself—you were no amateur, remember. Come—how much did they pay you?"

"It wasn't like that at all. They took care of me and gave me things because they wanted to."

"Oh, yes—you said they loved you. Did you love them? Any one of them?"

It was a long time before the answer came.

"Yes."

"One of them—or two—or three—or—"

"One."

"Did you take money from him, too?"

"Yes. I loved everything he did for me. Every penny he gave me."

"What was his name?"

"I won't tell you!"

"Do you know that you can be put in prison for not answering?"

"I'm in prison now!"

"Are you still in love with this man?"

Dugan was on his feet, but Mary had turned to Judge Nash.

"Your Honor," she said, "do I have to answer that question? What possible difference can that make to any one but me?"

"I withdraw the question," said Galwey, before Nash could speak. "Each of those men, though, made you an allowance, or, at least, gave you money, from time to time?"

"Yes."

"Much money?"

"Quite a good deal, altogether."

"And out of this money you regularly sent considerable sums to your brother? You've testified to that. Did you?"

"Yes—but he never knew where I got it!"

"Where did he think you got it?"

"I told him an uncle of ours in Ireland had died and left us money, and that what I sent him was from his share of the estate."

"And you think he believed that?"

"Of course!"

"You want me to believe that in no case did you make a definite business arrangement with any of these men?"

"Yes—because it's true. When a man marries he expects to support his wife, but they don't have it in writing that he'll spend so much and no more

on her, do they? That's how it was with—that's how it was."

"Do you mean to imply that your relationships with these men were like marriage?"

"Yes. Just about."

Galwey uttered an exclamation of disgust. One of his terrible assets, you know, was a Puritanical turn of mind that he had. I think he had been really shocked.

"Now, don't you know, in your heart, young woman," he said, angrily, "that your indecent, immoral, unholy life with these men was nothing at all like marriage? Marriage is founded on mutual love and respect. You have said these men loved you—did they think you loved them?"

"Of course."

"And were you—except with one of them—in love?"

"I—no—I—I wasn't exactly in love—"

"Did you tell them all that you were?"

"Well, they thought I was—"

"Answer my question, yes or no! Did you tell them you were in love with them?"

"Yes."

"So, in order to hold these men who were keeping you, in order to continue to get what they gave you, you lied to them?"

"Well, don't you see—"

"I want an answer to that question. Did you or did you not lie to those men about your feelings?"

"No."

"When you told them you loved them you weren't lying?"

"I—I wouldn't call that a lie, exactly—"

"Was it the truth—exactly?"

"I—I suppose not—"

"No. It was a part of your trade to make them think you loved them!"

"It wasn't a trade—my God, it wasn't a trade!"

I saw young Dugan's face. Shame, and horror, and grief were in his eyes. This was a terrible thing that Galwey was doing. For he was battering down the defenses that Mary Dugan had set up within her spirit to extenuate, to excuse, to justify, all that she had done. I saw her, in that moment, look at her brother, as I was doing, and I saw the way she winced, and how realization came to her, in that moment, of what sin it was that she had really committed when she had, for him, in his despite, done things no human being would let another, if he knew, do for him. All the sophistry, all the falseness, was gone from her thinking now; that was what Galwey had done. He might not burn her body, but he had seared her soul.

"Oh, yes," he said, "it was a trade, and lying was a part of it! Isn't it a lie to tell a man you love him when you don't?"

Still, weakly, feebly, she fought him back.

"I don't think the things you tell people to make them happy or to spare them pain can be called lies."

"Oh—so you want it that you only lied to make them happy. I say you lied as an easy way to get money!"

"No—"

"I say you've lied here to save your own rotten life!"

"No—no—no—"

"I will tell you what the truth is. Mr. Rice went to you that night, and you found that he was nervous and upset. You used your lure, the lure of the oldest trade in the world. But still his conscience troubled him, and he broke down, and told you he was leaving you forever—"

"No—no—it isn't so—"

"He told you his wife had forgiven him, and he was going back to her. He tore himself from your lying arms, he left that unholy bed. And you, wild with rage and fear, followed him and stabbed him in the back!"

She had half risen in her chair.

"It's a lie!" she cried. "It's a damned lie!"

At once Galwey, suave again, polished, smooth, was bowing to her mockingly.

"Well," he said, and his voice was cold with contempt. "You ought to know a lie when you hear it told. You're an expert." He turned away. "No more questions."

A great gasp of relief ran through the court room. Mary Dugan swayed in the chair. But, before she could leave it, Dugan was up. He went to her. He took the Bible from the clerk's desk.

"Mary," he said. "Take that Bible in your hand. Stand up. Do you solemnly swear to tell the truth, the whole truth—"

"The witness has already been sworn," said Galwey, sneering.

"I want her sworn for me! Mary, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

"I do."

"Mary, did you kill Edgar Rice?"

"No, Jimmy."

"That's all."

"Just a minute," said Galwey. "What church do you attend?"

She looked at him. "I don't go to any," she said.

"That's all," said Galwey.

XXIII

KEARNEY TAKES THE STAND

AS Mary Dugan, weak and trembling, stepped down, Judge Nash's gavel fell, sharply. He waited till the excited murmuring died down and then announced a recess until two o'clock. It was as well; human nerves could hardly have endured much more just then without a break. Dugan stayed a moment with his sister; then came to join me, and with the rest of the gang glaring after me, we went out together. The boy looked sick and shaken, but he hadn't a word to say of what we had been hearing. Heaven knew I hadn't, either; it wasn't a thing to talk about.

He was frowning.

"We're moving," he said. "Mary told the truth about what Rice told her. Every word she said was true."

"I know it," I said. "And it only confirms what I wrote to you. It's the thing I've needed to know all along. I wish to God I'd known it sooner! Why didn't she tell all that?"

"She did," said Dugan. He looked at me. "It was almost the first thing she told West when she

accepted his offer to defend her. She couldn't believe her own ears when that woman told her lies on the stand—couldn't believe she was hearing aright. She whispered to me and told me the truth—"

It had taken a minute for what he had said to sink in.

"You mean West knew that—all the time?" I said. "Knew it when I took him the facts that, with that, supplied a real motive for a real murderer?"

"I mean exactly that," said Dugan.

"But—that's incredible!" I said. "It makes West out a fool—and whatever he is the man's not that! He's proved it again and again. There's not a better criminal lawyer in New York."

"So I've been told," said Dugan. "But there's the fact! What can you make of it? As you say—the man stands convicted as a fool—either that or a madman! I've nearly gone mad myself trying to figure it out. Of course—he may not have believed Mary's story, may have sincerely been sure that it would do her more harm than good to tell a tale she couldn't prove—a tale that seemed to try to drag Rice's widow down—down—to—to her own level—"

That didn't go down. Not with what I knew,

and what I remembered of my talks with West—and his determination to keep me from seeing Mary Dugan. That was explained now, of course; he'd known how readily she would tell me what she had told in court. For, even if he hadn't believed the girl's story, it had been his plain duty to try to check up on it, especially after what I had told him had come to his knowledge, fitting in as patly as it had. No. Here was a new mystery, now that some of the others showed signs of vanishing, and a mystery as unfathomable as all the rest.

"Here's how we stand, anyway," said Dugan. "We know that Rice's wife had a lover, with whom she was carrying on a secret intrigue. We can't prove it, yet, but I have hopes of doing that this afternoon, thanks to the hint you gave me last night. We've some right to feel sure that it was Perez who told Rice the truth. He did it for money or revenge—probably for money."

"Right," I said. "And here's another point about Perez. He's had money—plenty of money—ever since Rice was killed, and he was on his uppers before. He got money from Rice, perhaps, for telling him what he did. But he didn't get enough to account for the way he's been splurging lately. Some one else is paying him money

now—hush money. And whoever is doing that killed Edgar Rice!"

Dugan nodded.

"I think so," he said. "We're drawing the net close. Barrow—have you any suspicion of who that is?"

"I haven't," I said. "Except that we shall know when we learn who Gertrude Rice's lover was—and is. I don't think it was she who did the killing."

"Nor I," said Dugan. "Even though you've damaged her alibi it's good enough to protect her from a charge of murder, I think."

We walked along, in silence. I was heading for the shop; neither of us was hungry; I wanted to see Brant. I'd turned some ends over to him to be taken care of; things that, being in court, I couldn't cover myself.

"How did you get here?" I asked Dugan.

"Luck," he said. "I'd been away on this cruise among the islands—I hadn't seen a paper or heard a bit of news for weeks. And I got back just as the trial was about to start. My God—to pick up a paper and see all that staring at me! I caught the first train—I think I got here just in time."

Brant was in. I knew the minute I saw him that something had happened. Brant never be-

trays emotion in any of the ordinary ways, but he is human, and he has his own manner of showing his feelings when he is moved. But he listened, very quietly, to what we had to tell him. Then he got up.

"I want to see Mr. Dugan alone for a minute, Steve," he said, and took him out. He came back, alone, a couple of minutes later. I was pretty sore.

"What goes on?" I said. "What's the idea of holding out on me?"

"I'll tell you," he said. "We're getting out a newspaper. You work on it. You're covering the biggest news story of the day. You've got some few merits as a detective, but, by God, you've been a lousy reporter since this trial started! Something's going to break this afternoon—and you're going to get it when the rest do, and as the rest do—you're not going to know a damn thing about it in advance! And—maybe we'll have a decent story in to-morrow's paper."

I couldn't believe he meant it, for a moment. But he did, and nothing I could say could move him. I could see his point, too, for all the blatant unfairness of it. Because, of course, it was ten to one, anyway, that whatever he knew he'd learned from a lead that I'd supplied. He didn't care—the worm! And I had to walk back with

Dugan, bursting with his news, beside me. The boy was transformed. He glowed with confidence, with certainty. But he was on his honor not to tell, and he was as impossible to move as Brant himself.

I was in a fine temper when I took my seat, but I was certainly alert and on the job. Brant's trick was working, if that was what he wanted, and it was, of course. I was early; Dugan disappeared—to see his sister, I supposed; people kept straggling in. No one seemed to know what to expect; no one could see what Dugan could hope to do.

"The girl did better for herself than I thought she would," said Cameron. "I'd say, now, she had a chance to escape the chair. The odds are against her still, but Galwey didn't tear her up as much as I thought he would. This brother play's the best thing that could have happened for her. It's the only sympathy gag she could have worked."

"Suppose she told the truth?" I suggested.

Cameron just laughed.

"The wiser they are the harder they fall!" he said. "My God, Steve—a hard-boiled old-timer like you! I never heard a fishier tale than that—and I've heard plenty! No wonder West was glad to be out of it!"

"Then you think Dugan was foolish to let her tell that story?"

"Crazy—poor kid! If he'd stuck to the reasons for her being what she was—well, I'd be betting on second degree. As it is—well, it's a close thing. Did he tell you what he was going to do this afternoon? Cripes—what can he do?"

Dugan came in then, and if ever I saw a young man who knew exactly what he was going to do, and to enjoy doing, too, it was James Dugan. Cameron grinned as he saw him.

"You'd think he was riding the crest of the wave, to look at him!" he said. "Gad, there is something about California—it does something to a man. That kid ought to be scared to death, and he looks as if he'd just got money from home! Hello—here's Nash—"

There was the usual stir. Then Dugan rose, went to the attendant, and whispered to him. At once the singsong voice sounded, calling the next witness.

"Gertrude Rice! Gertrude Rice! Gertrude Rice to the stand!"

"Mrs. Rice? What's eating him?" Cameron muttered. "He knows darned well—"

Galwey went on from there. He rose, and addressed Nash, tolerantly.

"My young friend," he said, "knows perfectly

well that Mrs. Rice is not able to be here. It was stipulated this morning that her cross examination should be deferred until she was well enough to appear."

Nash bowed, in his dignified way, and bent an annoyed look on Dugan.

"That was because Mrs. Rice was ill—confined to her home?" said Dugan.

"Certainly! This seems to me a waste of the court's time."

"I'm sorry," said Dugan. "I particularly wanted to complete her examination at this time."

"I'm sorry, too," said Galwey, "but I don't see what I can do about it."

"I see," said Dugan. "You expect to produce her the first minute she is well enough to be here, though?"

"Of course I do! How many times do you want me to say so?"

"Once is enough, at present—so long as it is well understood," said Dugan. "Call Philip Kearney!"

I jumped. I knew, near enough, what was coming now—damn Brant's eyes! Kearney took the stand, cheerful and smiling. He was one detective who never needed to be afraid of any lawyer. Most of them tend to squirm a bit, on the stand;

they aren't sure enough of their records to welcome any attempt to impeach them.

"Your name and occupation?" said Dugan, briskly.

"Philip Kearney, head of the Kearney Investigation Service."

"You are a detective?"

"I am willing to be so described."

"State your qualifications—"

"One moment," said Galwey. "I am anxious to save time. The State concedes that Mr. Kearney is a detective of experience, sagacity, probity and unblemished reputation."

Kearney grinned at Galwey; Dugan bowed.

"The District Attorney has my thanks," he said. "Mr. Kearney, you received instructions this morning to watch the movements of a witness in this case?"

"Yes, sir."

"From whom?"

"From Mr. Brant, the executive editor of the *Star,* a newspaper of this city."

"And, pursuant to those instructions, you did what?"

"I proceeded, at an early hour, to East 76th Street, and ascertained that Mrs. Edgar Rice was still in her apartment."

"And then?"

"I maintained a close watch, with the object of making it impossible for Mrs. Rice to do anything without my knowledge—anything, that is, that required her absence from her home."

"Did you, yourself, see Mrs. Rice this morning?"

"Yes, sir. I did."

"At what time?"

"First—at ten-thirty-six, A.M."

"At that time what did she do?"

"She came out of the apartment house in which she lives, walked east to Park Avenue, and there hailed a taxicab and entered it."

"And what did you do?"

"I entered a taxicab which had, according to my instructions, followed me slowly as I went after Mrs. Rice, and followed her cab in mine."

"Did you discover her destination?"

"I did."

"What was it?"

"The passenger ticket office of the United States Lines, on lower Broadway."

A gasp ran through the room. But Nash was much too interested to care.

"She went inside?"

"Yes, sir."

"Did you follow her?"

"Yes, sir."

"What did she do?"

"She went up to the counter where tickets are sold."

"And you still followed her?"

"Yes, sir."

"How close to her were you?"

"Very close. Within two or three feet."

"You heard her conversation?"

"Yes, sir."

"What did Mrs. Rice do?"

"She purchased a first-class ticket to be used on the *Leviathan,* sailing at one o'clock to-morrow morning."

"Did she say that she intended to use the ticket herself?"

"Yes, sir. There was some difficulty because, owing to the lateness of her application, they were unable to give her a cabin to herself."

"Did Mrs. Rice give her own name as the purchaser of this ticket?"

"No, sir."

"What name did she give?"

"That of Mrs. Gwendolyn Reynolds."

"But she did positively say that she intended to sail herself on the *Leviathan?"*

"She did."

"Your witness!" said Dugan, triumphantly.

Galwey, almost beside himself, was on his feet.

"No questions—for the moment!" he said. "Mr. Dugan—"

Dugan, ignoring him, turned to the court.

"May it please the Court," he said, "I ask that a bench warrant be issued for the arrest of Mrs. Gertrude Rice, on the ground that she, a duly subpenaed witness, is seeking to evade the jurisdiction of this court!"

"I'm sure there's some mistake!" said Galwey. "Mrs. Rice was certainly very ill last night—"

"Mrs. Rice was nothing of the sort!" said Dugan. "Any one but an idiot could have seen she was shamming!"

"Her physician says—"

"I don't care what her physician says! This woman is planning a flight to Europe, and unless the District Attorney is conniving at her escape—"

"That's a lie!" Galwey flashed.

"Gentlemen—that will do!" said Nash, sternly. "Well, Mr. Galwey?"

Galwey, pitifully confused, turned to the bench.

"May it please the Court, I will, of course, produce the witness in court at the first possible moment."

"If you mean that, why don't you send a policeman to bring her here?" said Dugan.

"How soon do you think you can produce your witness, Mr. Galwey?" asked Judge Nash.

"Within the hour!" said Galwey.

"Again," said Dugan, "I ask that a warrant be issued for the arrest of Gertrude Rice!"

"I think the young man is unduly excited, Your Honor," said Galwey. "After all—"

"I am not in the least interested in what the District Attorney thinks!" said Dugan. "I want that woman on the stand!"

"You are satisfied that Mrs. Rice can be here within the hour, Mr. Galwey?" said Nash.

"I will make myself personally responsible that she shall be!"

"There will be a recess of one hour," said Nash.

XXIV

MARIE DUCROT

GALWEY, looking pretty sick, had gone. I didn't envy him. The man wasn't a killer, a man hunter. And he was beginning, now, it was plain in every panicky shade in his voice, to see what Brant and I had seen from the first—that in this case there was something mysterious, unknown, hidden. He had intelligence, had Galwey, and imagination, and they were poor things for one in his case to have just then.

Dugan, in that hour, had no time for me. I didn't care. I had the satisfaction of knowing that I'd lighted the fuse of the bomb he had just exploded. It was what George Martin had told me the night before that had led Brant to put Kearney on Mrs. Rice's trail. Kearney was gone again, now, after a short, excited talk with Dugan, and I could guess his errand. The net was tightening fast—to mix a metaphor it was time for the rats to begin to leave the sinking ship. And the rat of the world was Juan Perez.

We knew so much about Juan Perez! We had so much on him! If only we could get the one

thing more we needed. And that, unless I were mistaken, was what Kearney was after now. I didn't need to know. I was willing, by now, to do as Brant wanted. To sit in my place, to wait, like Cameron and all the rest, for the truth to come out as it might and would. I spent most of that hour shooting craps, if you must know it, in an empty court room! And I had the devil's luck. It seemed to me an omen of good.

The hour passed. Nash came, austere, disturbed. Dugan and his sister came. Galwey was late. There was no sign of Mrs. Rice. Then Galwey came, hurried, breathless, distressed.

"I regret—I cannot account for this delay. I have Mrs. Rice's assurance that there has been a total misunderstanding—that she will be here to explain—"

Dugan smiled at him.

"I understand and can sympathize," he said, "with the District Attorney's disquietude and embarrassment. At the same time I feel that indulgence enough has been shown to Mrs. Rice—I must renew my request that a warrant be issued—"

"The matter is in the hands of the Court, Mr. Dugan," said Nash. "Be assured that no effort Mrs. Rice may make to escape the jurisdiction of this court can succeed. I think some allowance

should be made for the delays of congested traffic."

Dugan bowed, and started to rejoin his sister. Galwey stopped him.

"Look here," he said, "I'm sincerely sorry. I hope you don't think I have anything to do with this delay—"

"Of course, of course I don't," said Dugan. "I know better than to suspect you in any way, Mr. Galwey."

"You're generous," said Galwey. "I—I'm sorry I had to go after your sister the way I did, but—"

"It's all right," said Dugan, his lips tightening. But then he smiled. "After all—you helped her case."

Galwey stared at him; turned, then, with a shrug. Nash, looking at his watch and frowning, spoke.

"Mr. Dugan," he said, "can you, without compromising your plans, place another witness on the stand while we are waiting?"

"I was about to suggest that I could, Your Honor. Marie Ducrot!"

Mrs. Rice's maid came bustling forward. I had never seen her, though I'd wanted to, and tried to. She wasn't what you expect to see in a French maid at all; neat, a little wicked, trim. She was much more real than that; the typical *bonne*. She might well, I imagined, have begun as the child's

nurse, and been kept on, later, as Mrs. Rice's maid. Stout, hearty, very cheerful, she made a good impression as she was sworn; she kissed the Bible very heartily, took her place, and turned to Dugan with a beaming smile.

He began with the ordinary formal questions—her name, her length of service with Mrs. Rice. Three years, that turned out to be.

"What kind of a mistress is she?" Dugan asked.

"Objection!" Galwey snapped. No more latitude; that was plain. He meant to fight to the end, in spite of the blows he had received. And, of course, he didn't begin to know, yet, how destructive of his whole case those blows had been, or of the new one that this smiling, red-cheeked Frenchwoman, I was sure, was about to deal.

"Sustained," said the judge.

"After all," said Dugan, "I am merely trying to save time. I can get what I want in another and a longer way. But I wish the District Attorney would be patient with me. I am sure he is as eager as I to get at the truth. But, if he insists—"

"I withdraw my objection," said Galwey. "And I am glad to take this opportunity of assuring my young friend that he is quite correct in his views about me. My office is not to convict the innocent. But in this case, like the proverbial man from Missouri, I have to be shown."

"Thank you," said Dugan. "And—to show you is precisely what I am about to do." He turned again to Marie. "What sort of woman is your mistress?"

"Very amiable," said Marie. "Charmante!"

"Would you call her a happy woman?"

"How—happy? Heureuse? But yes!"

"You are sure?"

"But, why not, m'sieu? A woman beautiful, rich, with a child the most good?"

"So—she was happy." Dugan was frowning faintly. "Happy in her life?"

"Oh, yes, m'sieu!"

"There were no quarrels?"

"Ah, no!" I jumped; I saw the bewilderment spreading in the boy's face. "Quarrels, m'sieu? But no!"

Dugan stared; Galwey, sitting back, laughed.

"You are sure?"

"Perfectly! They would not quarrel—they love one another so!"

"They loved one another?" Dugan said, amazed.

"But surely! So beautiful it was—such tenderness, such understanding, such sympathy!"

"And you mean to say you never saw them quarrel?"

"Never. No, sir. They love too much."

Dugan turned away; then back.

"Remember," he said, sternly, "you have sworn to tell the truth. Do you remember the night before Mr. Rice was murdered?"

"But yes, m'sieu."

"Was there no quarrel that night?"

The woman laughed.

"That night? But no—that of all nights! I myself saw when he went away—when they parted —the kiss, the embrace, so loving—"

Dugan's hands went out and up in a wide gesture of despair. He went to Mary, whispered to her. Galwey, amused, cynical, looked at him. For me—as for Dugan—the bottom seemed to have dropped out of the world. Because this woman wasn't lying. She believed every word she was saying, and so did I. It was—I don't know how to put it—being there, listening to her, was like a waking nightmare. Galwey leaned toward Madden; what he said sounded clearly at our table.

"Sometimes," he said, "they turn sour."

It was just what Dugan needed. He turned, angrily.

"Your Honor, I protest—"

"Mr. Galwey," said Nash, "knows better. The jury will, of course, disregard his comments on the testimony."

"I am sorry," said Galwey. "I did not realize

that my voice had so much carrying power. I was speaking to the Assistant District Attorney."

Dugan, talking eagerly to Mary, ignored Galwey. Now he turned back to Marie, who sat, looking bewildered, totally unaware, of course, of the effect of what she had said.

"Marie," he said, "in what way did m'sieu show his love? Passionately—"

"Don't answer!" said Galwey, sharply. "We object to counsel's leading the witness."

"Sustained."

"You said there was such tenderness. Was m'sieu, then, always tender?"

"Always—yes. It was beautiful."

"He was never anything but tender?"

"No, no, no. It was like a story. A beautiful romance."

Just for a moment more Dugan looked at her, in despair. Then, with a hopeless gesture, turned away.

"That's all," he said.

I was stunned. Cameron was grinning.

"Sour is right!" he said.

Galwey rose. His confidence in himself and in his case was completely restored.

"My compliments, madame," he said. "You have been most clear in all you have told us. I will only ask you to tell us a very little more.

Now, it is true, then, that in the three years that you have been with Madame Rice you have never known her to quarrel with her husband?"

Marie stared at him.

"Pardon, m'sieu?" she said.

"I asked you," said Galwey, "if you had ever seen Mr. and Mrs. Rice quarrel?"

"Comment? M'sieu Rice—and Madame?"

"Exactly!"

"M'sieu Rice! Ah—but I have made the mistake! I did not know you were talking about her husband!"

Like that it came! I heard Dugan's half-choked exclamation of triumphant understanding; I felt the sudden beating of my own heart. Galwey, too astonished, for an instant, to realize the ghastly mistake he had made in cross examining, went on.

"You did not think we were talking about Mr. Rice? Then who— Never mind! That's all!"

"Oh, I think not!" said Dugan. "Not quite! Marie—who did you think I was asking you about, if not M'sieu Rice?"

"Oh, the other, naturellement!" said Marie, placidly.

"Oh, the other!" said Dugan. "So there was another?"

Marie looked at him tolerantly.

"But, of course!" she said. "When people have been married so long as that is there not always another?"

Dugan smiled.

"Perhaps," he said. "And it was this other who was tender, and loving, and always devoted?"

"Always! Marvelous—what you call swell!"

"And he had a name?"

"Certainly. Mr. Jean Smeeth!"

Dugan smiled. He could afford to, now.

"You know that this Mr. Smith was your mistress's lover?"

"Stop! I object!" cried Galwey.

"May it please the Court, I think I shall have no difficulty in establishing the fact. I can, of course, go through a long process of questioning, to show, step by step, why this witness was sure that this man was Mrs. Rice's lover, if she is sure—"

"I think we may dispense with that," said Nash. "The objection is overruled. The witness will answer."

"Marie, do you know that this Mr. Smith was your mistress's lover?"

"Yes."

"Do you know where he lived?"

"No."

"Or his telephone number?"

"No."

"Did he come to Mrs. Rice's home to see her?"

"Yes."

"Often?"

"Objection!" said Galwey.

"I am prepared," said Dugan, "to take a calendar, to ask the witness, of each and every day, for the entire period of three years whether or not, on that day, this man called upon Mrs. Rice—"

"Objection withdrawn!" said Galwey, his face white.

"Did this Mr. Smith call often on your mistress?"

"Yes. Three—four times, every week."

"Did you hear a quarrel between Mr. and Mrs. Rice the night of the murder?"

"No."

"Did you see Mr. Smith the night of the murder?"

"No."

"But you said they parted so tenderly—"

"But that was the night before! Not the night Mr. Rice was killed."

"Oh—I see!" said Dugan. "On the night of the murder, did Mrs. Rice go out at all?"

"Yes. She went out almost every night."

"And you saw her before she left the house?"

"Yes."

"Did she say anything to you?"

"I object—" said Galwey.

"Did she tell you why she was going out?"

"No."

"Did you see her when she returned to the house?"

"Yes. I was waiting for her."

"How long after she went out did she return?"

"Perhaps half an hour—perhaps a little more."

"What did she do?"

"She went to bed. She was sick—malade."

"Did you think she was ill?"

"Object. The witness's conclusions are not evidential," said Galwey.

"Sustained."

"What signs of illness did Mrs. Rice show?"

"She was first hot, then cold. She trembled. She shook."

"Did you call her doctor?"

"No. Madame would not permit, though I offered—"

"Thank you. That's all," said Dugan.

Galwey rose. His back was to the wall. But he made a fight of it. He attacked Marie Ducrot as savagely as I ever saw a witness assailed in any court. He pounced upon a certain large vagueness as to detail that the woman had, tore piti-

lessly at her about the appearance of "John Smith." Marie remembered him as nice looking, that was all. She wasn't sure of the color of his eyes, or his height, or his weight. Galwey made the most of that, but I think he did very little to shake Marie, to impeach her in any way. In the end, disgusted, he ordered her detained; talked angrily of perjury. Then he had one of his fatal afterthoughts. He wanted to save something from the wreck.

"After your mistress came home, and went to bed, did she go out again?" he asked.

"No, m'sieu."

"How do you know?"

"Because I go to her once every hour, all night long, to see how she is."

"And so—all night long, once every hour, you saw Mrs. Rice lying in bed?"

I saw Galwey's point. At least he would establish Mrs. Rice's alibi for the time during which the actual murder must have occurred.

"Yes, m'sieu."

Galwey's lips were parted in a sneer.

"How faithful a servant you are, madame! Again—my compliments! So devoted were you to the mistress you have slandered here that when she was ill, all night long, of your own free will, you went to see how she was! How touching!"

"But, no, m'sieu," said Marie, placidly. "Me, of my own free will, I would have slept. I went because madame ordered that I should."

This time it was Galwey's turn to say, with a gesture of despair, "That's all!"

But he did brace up; give orders that she be compelled to remain in court. Dugan was scornfully amused.

"You know she's told the truth," he said. "I dare you to have her arrested for perjury. I'll have her out in ten minutes on a writ!"

Galwey ignored him; an officer stayed with Marie as she went back to her chair.

Now, slowly, patiently, Dugan began to attack Galwey's case upon another line. He actually did, now, what I think West had planned to do, but he did it with a forcefulness West had never, in this trial shown at all, though it had been amply in evidence in his defense of Sanford.

He recalled Price and proved that the finger-prints showed only that the girl had handled the knife—that they in no way served to answer the question of whether she had plunged it into Rice or only, as she had testified, drawn it out. He called Rice's tailor and introduced, as an exhibit, a ghastly sort of thing—a dummy figure the man had had made because it had been so hard to induce Mr. Rice to take the time for fittings. He

proved, by the tailor, that this dummy was identical, in measurements, with Rice.

Then, through Dr. Welcome, the medical examiner, he got that dummy marked with chalk to show the approximate location of the wound and of the heart—thus showing the course the knife must have taken. He tried to prove that no woman—unless she were of abnormal strength—could have driven that knife in as it had been driven, but therein he failed, because Welcome said that you couldn't allow for the effect of an abnormal stimulus, like rage or panic. Galwey gained so much from him.

Finally he brought Hunt back. Hunt knew what had been going on, and I could see that he was shaken, and puzzled, and a little scared. And, just as Hunt took the stand, there was a stir, and the black veil of Mrs. Rice appeared—to bring a gasp from every one in the court room. Galwey went to her; spoke to her reassuringly; turned then to Dugan. But Dugan shook his head. Galwey addressed Nash.

"May it please the Court," he said. "Mrs. Rice is now here, and ready for the cross examination."

"I'm sorry," Dugan said, "but I am not, at this moment, ready for Mrs. Rice, though I may need her at any moment."

Galwey glared.

"Counsel made a great point of Mrs. Rice's absence!" he said. "She tells me she is really ill, and anxious to get away—"

"I can understand that!" said Dugan. "But—I—am—not—ready."

"I'm afraid Mrs. Rice will have to await counsel's convenience, Mr. Galwey," said Nash. "Mr. Dugan is clearly within his rights."

Hunt had been waiting.

"I'd like you to examine this dummy figure, Inspector," said Dugan. "Now—you have testified that your investigation led you to the belief that Mr. Rice was killed by a blow from a weapon held in his murderer's right hand. Do you still believe that?"

"Yes, sir, I do. I am sure of it."

"You can see, from the marks made by Dr. Welcome, that the knife, to reach the heart, had to go from left to right?"

"If Welcome says that's so, it's so," said Hunt. "He knows."

"Very well. I will ask you to take the knife and stab this dummy as Mr. Rice must have been stabbed—holding the knife in your right hand."

Awkwardly, Hunt took the knife. He circled about the dummy. Finally, standing in front of it, he reached around and delivered the blow. Dugan laughed.

"So—you think that's the way it was done? You think Mr. Rice stood looking at his murderer, knife in hand?"

"It's the only way it could have been done," said Hunt, doggedly. "She was standing in front of him. She was in his arms, and reached around and stabbed him."

"Perhaps!" said Dugan. "But I think that to believe that will be as great a strain on the jury's credulity as it is on mine! Now, Inspector—I will ask you to take the knife in your left hand."

Hunt obeyed.

"And now—stand behind the body and try again."

Easily, naturally, without strain, Hunt obeyed. He dropped the knife and stood, staring.

"The left hand!" he said. "Left handed! Oh —by God! Left handed!"

"That's all!" said Dugan. "Any questions, Mr. Galwey?"

Galwey stared at him.

"No!" he said.

XXV

HOW SAY YOU?

"BY God!" said Cameron, in a voice of awe. "He's done it! There isn't a jury in the world that would send that girl to the chair now!"

"Done it?" I said. "He's just begun! You wait!"

Once more there was a stir in the back of the court. West, looking puzzled and angry, came in. He walked past Dugan, straight toward the bench.

"Your Honor," he said, "I have been served with a subpena to attend as a witness. Counsel must be aware, in spite of his inexperience, that I cannot testify as to any matters coming to my knowledge through the confidential relation between me and the defendant—"

"I am not wholly ignorant of the law," said Dugan. "Any questions I ask you, Mr. West, will be wholly proper ones. Nor will they be long delayed. But I must ask your indulgence for a few minutes—for a delay which, knowing how busy you are, I shall be at pains to make as brief as possible."

West bowed and sat down. And then, to my amazement, I heard my own name called. I was sworn, and took the stand. Very quietly Dugan got me to tell a part of what I knew. What he wanted was my evidence as to Juan Perez's call upon Rice on the night of the murder and the story of Perez's attack upon me. And he brought out, also, my knowledge of Perez's relations with May Harris, and of the evidences of prosperity Perez had shown.

For a moment Galwey fought against this.

"I am aware," said Dugan, "of the propriety of the District Attorney's objections. I am prepared to meet them. I can bring out, through four or five more witnesses, the story Mr. Barrow is fully qualified to tell. But if Mr. Galwey, as I fully believe, wants the truth, we will save much time by hearing Mr. Barrow."

Galwey gave up. He didn't cross examine me at all. Dugan called Gertrude Rice at last.

"Mrs. Rice," he said, "why were you not in court this morning?"

"I was ill."

"But not so ill that you could not leave your house? Not so ill that you could not engage a passage on the *Leviathan,* and plan to go abroad to-night?"

"But—I—I did nothing of the sort—"

"Mrs. Rice," said Nash, gravely. "Do you understand that you are under oath?"

"I do—!" she said. "But—"

"However that may be," said Dugan, "you are ready now to answer my questions?"

"Of course."

"Mrs. Rice—did you leave your house, on the night your husband was killed, after his departure?"

"No—wait—yes—yes, I did—I—I am a bad sleeper—I nearly always take a walk before I go to bed. I did so on that night."

"Where did you go?"

"I—why—nowhere—I walked a few blocks, and then went home."

"You did not telephone to any one?"

"Certainly not!"

"Mrs. Rice, is it not a fact that, before your husband went out that night he told you he had absolute proof of your infidelity to him and to your marriage vows?"

"No!"

"Did he not tell you of his intention to divorce you?"

"No!"

"Did he not tell you that you must be out of his house before he returned?"

"No! He left the house to discard that woman —his paid mistress!"

"Mrs. Rice, I must inform you that it has been testified to here that you did have a lover."

"Whoever said that lied!"

I looked about for Marie. But she was not there. I leaned over to Cameron, and he grinned.

"I was expecting fireworks, too—that Frenchwoman isn't taking much from anybody! But she's out—went out a few minutes ago, with that matron they've had here and never called looking after her."

"So!" said Dugan. "That's all."

"No questions," said Galwey.

"Philip Kearney!" said Dugan. Kearney took the stand again; I hadn't seen him come in.

"Are you acquainted with one Juan Perez?" asked Dugan.

"I am."

"Have you, to-day, made an effort to learn anything of his movements last night?"

"I have."

"What were they?"

"Oh, I object—!" said Galwey, automatically. Then: "No—I withdraw that objection," he said.

"Thank you," said Dugan. "Mr. Kearney?"

"I have learned, upon evidence satisfying to me," said Kearney, "that Juan Perez, rather late

last evening—well after nine—came into the Club Printain, accompanied by one May Harris."

"Did he, while there, so far as you know, enter into conversation with any one?"

"Yes."

"With a man or a woman?"

"With a man."

"Did anything striking occur during the course of this conversation?"

"Yes. The man to whom Perez spoke handed him a roll of bills. I can supply you with the name of a witness to this transaction."

"That's all—for the moment," said Dugan. "Mr. West!"

West took the stand, after being sworn.

"Mr. West," said Dugan, "are you the tenant of the apartment in the Park Gardens immediately adjoining that in which Mr. Edgar Rice was killed?"

"I am."

"And where were you on the night of the murder?"

"At home."

"All night?"

"Yes."

"Mr. West—how long have you known Gertrude Rice?"

"You mean Mrs. Edgar Rice? I do not know her at all."

"Have you ever been her lover?"

"Most emphatically no!"

"On the night of the murder, did Mrs. Rice telephone to you?"

"No!"

"On that same night, did you, in your apartment, hear, through the wall, Mr. Rice shouting that he had discovered his wife's infidelity and meant to divorce her—shouting that she had had the last penny she would ever have from him?"

"I heard nothing whatever."

"Mr. West—I show you the knife, marked as Exhibit F, with which Edgar Rice was killed. And I ask you if you have ever seen it before?"

"Certainly. I examined it when it was offered in evidence."

"I ask you if you ever saw it before it was offered in evidence. Here—catch!"

Upon the word he tossed the knife toward West. And West, with an instinctive movement, put out his left hand to catch it! Mrs. Rice screamed frightfully. And over the sudden uproar in the court another woman's voice rang out. Marie Ducrot had come. And she broke away from the matron and ran toward West.

"There!" she cried. She turned to Galwey. "You say I lie—hein! You say I do not know! There he is—that Jean Smeeth—!"

Dugan faced the court.

"There is my case!" he cried. "I show you the left-handed lover of Gertrude Rice—the murderer of her husband! I can call Kearney back to tell you that it was he who, only last night, gave a roll of bills to Juan Perez—Juan Perez, who is at this moment under observation, if not arrest—Juan Perez, who had discovered the secret of his guilty love and sold it to the man whose home he had despoiled—Juan Perez, who alone knew that he, and he only, had a motive for killing Edgar Rice—Juan Perez to whom, ever since the murder, he has been paying blackmail!"

In the tumult in the court Nash's gavel rose and fell. The officers went about; at a sign from Galwey a policeman placed himself by West, who was standing, his face white. Galwey, trembling, every trace of color gone from his face, turned to Judge Nash.

"Am I to understand that the defense rests?" he asked.

"The defense rests," said Dugan.

"Your Honor—I—I have nothing to say—" stammered Galwey.

"And I," said Dugan, "respectfully move that the jury be instructed to bring in a verdict of acquittal."

Galwey was coming back.

"May it please the Court," he said, "the State concurs in the motion made by counsel for the defense."

A cheer drowned Nash's voice. He waited. Calm, impassive, then, he spoke.

"The motion is granted," he said. "Upon the evidence the Court has no option but to instruct the jury to retire and to return with a verdict of not guilty. If the District Attorney so desires warrants will be issued for the arrest of Edward West, of Gertrude Rice, and of Juan Perez."

Again the cheers sounded as the jury slowly filed out. Nash went out, dignified to the last. Galwey was shaking Dugan by the hand, went from him to bow low before his sister. For five wild minutes the tumult went on, and for four of them I was talking to Mary Dugan.

"I always knew—" I said. "From the moment I saw you that first day in court—I've never stopped working—"

"I know," she said. "Jimmy has told me. But I knew, before. I counted on you. I used to pray that you would come to see me—I begged Mr. West to ask you to come—"

"West!" I said. Amazement was beginning to have its way with me. "West! And to think I never guessed! From the first it had to be West! He told me in a hundred ways! How else would Perez have known what I was doing—if West hadn't told him instantly, to warn him? Why else should Perez have tried to kill me?"

"To kill you!" she said. "Dear God—to think another man came near to death because of me!"

I laughed.

"He didn't even hurt me!" I said. "Oh, Mary —" And I never knew that I had called her so! "The things I have to tell you—the things that we can laugh at now—"

She looked at me.

"Laugh?" she said. "Steve Barrow—do you think that I will ever laugh again?"

But before I must answer Nash came back, and after him the jury. And sanity came with them, and the ancient law, and all its stately forms. And all of us turned, with laughter in our hearts and on our lips for once at the sight of a jury coming into court with its verdict, turned to see and watch that solemn rite that for one time at least had come to be a happy farce.

The jury stood. The clerk turned to it.

"Have you agreed upon a verdict?" he asked.

"We have," said the foreman.

"Prisoner—stand up! The jury will look upon the prisoner. The prisoner will look upon the jury. How say you: Guilty or Not Guilty?"

"Not Guilty!" cried the foreman.

Now even Nash leaned down from the bench, heedless of the roaring madness in that room, and beckoned to young Dugan, and shook him by the hand. And to Mary Dugan, standing, almost swept away by the rush of those who had so lately been harrying her to her death he bowed, as he rose, with an old-fashioned, courtly grace.

I stood apart now, watching, waiting. Until I saw my chance to reach her again. And I had just come to her, and taken her hand, when I heard an acrid, familiar voice behind me.

"Well, Steve—I think I rate an introduction!" said Brant.

I told her who he was—the man who, in the first instant of his knowledge of the death of Edgar Rice, had sensed the falseness of the charge against her. He shook hands with her; gave young Dugan a nod and a grin.

"Fair enough!" he said. "I think, Miss Dugan, that I can spare Steve to you for an hour or so—to-morrow! To-night he's got a job on his hands—to tell the world how the *Star* learned first who didn't kill Edgar Rice and then who did!"

"I!" I said. "Boss—aren't you human? Do you think I can do that—to-night?"

"I don't think it—I know it," he said, grimly. "And—I think this isn't the time for you to be without a job!"

They had begun to clear the court room. Just a moment Brant let me have with her, and we just stood and looked at one another, while he talked with Jimmy. Just a moment—but in it the room was empty, and there were just the four of us. And then we, too, passed through its doors.

The trial of Mary Dugan was over. And with it ends this tale. For that is not concerned with what came, afterward, to Jimmy Dugan, and to me, and to Mary.

THE END

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